

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 84

94TH GENERAL ASSEMBLY

2007

0267S.05T

AN ACT

To repeal sections 43.530, 210.482, 210.487, 210.570, 210.580, 210.595, 210.600, 210.610, 210.620, 210.622, 210.625, 210.630, 210.635, 210.640, 210.700, 210.762, 210.1012, 211.319, 211.444, 211.447, 453.010, and 453.011, RSMo, and to enact in lieu thereof nineteen new sections relating to children and minors, with penalty provisions and a contingent effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 43.530, 210.482, 210.487, 210.570, 210.580, 210.595, 210.600, 210.610, 210.620, 210.622, 210.625, 210.630, 210.635, 210.640, 210.700, 210.762, 210.1012, 211.319, 211.444, 211.447, 453.010, and 453.011, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 43.530, 210.482, 210.487, 210.570, 210.580, 210.620, 210.622, 210.625, 210.635, 210.640, 210.762, 210.1012, 211.319, 211.444, 211.447, 453.010, 453.011, 650.025, and 1, to read as follows:

43.530. 1. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than **[five]** **nine** dollars per request for criminal history record information not based on a fingerprint search **[when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 criminal history record information not based on a fingerprint search and]. **In**
12 **each year beginning on or after January 1, 2010, the superintendent**
13 **may increase the fee paid by requesting entities by an amount not to**
14 **exceed one dollar per year, however, under no circumstance shall the**
15 **fee paid by requesting entities exceed fifteen dollars per request.**

16 **2. For each request requiring the payment of a fee received by**
17 **the central repository, the requesting entity shall pay a fee of not more**
18 **than twenty dollars per request for criminal history record information based on**
19 **a fingerprint search[. Each such], unless the request is required under the**
20 **provisions of subdivision (6) of section 210.481, RSMo, section 210.487,**
21 **RSMo, or section 571.101, RSMo, in which case, the fee shall be fourteen**
22 **dollars.**

23 **3. A request made under subsections 1 and 2 of this section shall**
24 **be limited to check and search on one individual. Each request shall be**
25 **accompanied by a check, warrant, voucher, money order, or electronic payment**
26 **payable to the state of Missouri-criminal record system or payment shall be made**
27 **in a manner approved by the highway patrol. The highway patrol may establish**
28 **procedures for receiving requests for criminal history record information for**
29 **classification and search for fingerprints, from courts and other entities, and for**
30 **the payment of such requests. There is hereby established by the treasurer of the**
31 **state of Missouri a fund to be entitled as the "Criminal Record System**
32 **Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary,**
33 **if the moneys collected and deposited into this fund are not totally expended**
34 **annually for the purposes set forth in sections 43.500 to 43.543, the unexpended**
35 **moneys in such fund shall remain in the fund and the balance shall be kept in**
36 **the fund to accumulate from year to year.**

210.482. 1. If the emergency placement of a child in a private home is
2 necessary due to the unexpected absence of the child's parents, legal guardian,
3 or custodian, the juvenile court or children's division:

4 (1) May request that a local or state law enforcement agency or juvenile
5 officer, subject to any required federal authorization, immediately conduct a
6 name-based criminal history record check to include full orders of protection and
7 outstanding warrants of each person over the age of seventeen residing in the
8 home by using the Missouri uniform law enforcement system (MULES) and the
9 National Crime Information Center to access the Interstate Identification Index
10 maintained by the Federal Bureau of Investigation; and

11 (2) Shall determine or, in the case of the juvenile court, shall request the
12 division to determine whether any person over the age of seventeen years residing

13 in the home is listed on the child abuse and neglect registry.

14 For any children less than seventeen years of age residing in the home, the
15 children's division shall inquire of the person with whom an emergency placement
16 of a child will be made whether any children less than seventeen years of age
17 residing in the home have ever been certified as an adult and convicted of or pled
18 guilty or nolo contendere to any crime.

19 2. If a name-based search has been conducted pursuant to subsection 1
20 of this section, within fifteen **[business] calendar** days after the emergency
21 placement of the child in the private home, and if the private home has not
22 previously been approved as a foster or adoptive home, all persons over the age
23 of seventeen residing in the home and all children less than seventeen residing
24 in the home who the division has determined have been certified as an adult for
25 the commission of a crime, **[other than persons within the second degree of**
26 **consanguinity and affinity to the child,]** shall report to a local law enforcement
27 agency for the purpose of providing two sets of fingerprints each and
28 accompanying fees, pursuant to section 43.530, RSMo. One set of fingerprints
29 shall be used by the highway patrol to search the criminal history repository and
30 the second set shall be forwarded to the Federal Bureau of Investigation for
31 searching the federal criminal history files. Results of the checks will be provided
32 to the juvenile court or children's division office requesting such
33 information. Any child placed in emergency placement in a private home shall
34 be removed immediately if any person residing in the home fails to provide
35 fingerprints after being requested to do so, unless the person refusing to provide
36 fingerprints ceases to reside in the private home.

37 3. If the placement of a child is denied as a result of a name-based
38 criminal history check and the denial is contested, all persons over the age of
39 seventeen residing in the home and all children less than seventeen years of age
40 residing in the home who the division has determined have been certified as an
41 adult for the commission of a crime shall, within fifteen **[business] calendar**
42 days, submit to the juvenile court or the children's division two sets of
43 fingerprints in the same manner described in subsection 2 of this section,
44 accompanying fees, and written permission authorizing the juvenile court or the
45 children's division to forward the fingerprints to the state criminal record
46 repository for submission to the Federal Bureau of Investigation. One set of
47 fingerprints shall be used by the highway patrol to search the criminal history
48 repository and the second set shall be forwarded to the Federal Bureau of
49 Investigation for searching the federal criminal history files.

50 4. Subject to appropriation, the total cost of fingerprinting required by

51 this section may be paid by the state, including reimbursement of persons
52 incurring fingerprinting costs under this section.

53 5. For the purposes of this section, "emergency placement" refers to those
54 limited instances when the juvenile court or children's division is placing a child
55 in the home of private individuals, including neighbors, friends, or relatives, as
56 a result of a sudden unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of
2 foster parent licensing, the division shall:

3 (1) Conduct a search for all persons over the age of seventeen in the
4 applicant's household and for any child less than seventeen years of age residing
5 in the applicant's home who the division has determined has been certified as an
6 adult for the commission of a crime for evidence of full orders of protection. The
7 office of state courts administrator shall allow access to the automated court
8 information system by the division. The clerk of each court contacted by the
9 division shall provide the division information within ten days of a request; and

10 (2) Obtain two sets of fingerprints for any person over the age of
11 seventeen in the applicant's household and for any child less than seventeen
12 years of age residing in the applicant's home who the division has determined has
13 been certified as an adult for the commission of a crime in the same manner set
14 forth in subsection 2 of section 210.482. One set of fingerprints shall be used by
15 the highway patrol to search the criminal history repository and the second set
16 shall be forwarded to the Federal Bureau of Investigation for searching the
17 federal criminal history files. The highway patrol shall assist the division and
18 provide the criminal fingerprint background information, upon request; and

19 (3) Determine whether any person over the age of seventeen residing in
20 the home and any child less than seventeen years of age residing in the
21 applicant's home who the division has determined has been certified as an adult
22 for the commission of a crime is listed on the child abuse and neglect registry.
23 For any children less than seventeen years of age residing in the applicant's
24 home, the children's division shall inquire of the applicant whether any children
25 less than seventeen years of age residing in the home have ever been certified as
26 an adult and been convicted of or pled guilty or nolo contendere to any crime.

27 2. **After the initial investigation is completed under subsection**
28 **1 of this section, the children's division and the department of health**
29 **and senior services may waive the requirement for a fingerprint**
30 **background check for any subsequent recertification.**

31 3. Subject to appropriation, the total cost of fingerprinting required by
32 this section may be paid by the state, including reimbursement of persons

33 incurring fingerprinting costs under this section.

34 [3.] 4. The division may make arrangements with other executive branch
35 agencies to obtain any investigative background information.

36 [4.] 5. The division may promulgate rules that are necessary to
37 implement the provisions of this section. Any rule or portion of a rule, as that
38 term is defined in section 536.010, RSMo, that is created under the authority
39 delegated in this section shall become effective only if it complies with and is
40 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
41 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any
42 of the powers vested with the general assembly pursuant to chapter 536, RSMo,
43 to review, to delay the effective date, or to disapprove and annul a rule are
44 subsequently held unconstitutional, then the grant of rulemaking authority and
45 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**210.570. This interstate compact for juveniles is entered with all
2 jurisdictions legally joining the compact in the form substantially as
3 follows:**

4 **THE INTERSTATE COMPACT FOR JUVENILES**

5 **ARTICLE I**

6 **PURPOSE**

7 **The compacting states to this Interstate Compact recognize that**
8 **each state is responsible for the proper supervision or return of**
9 **juveniles, delinquents and status offenders who are on probation or**
10 **parole and who have absconded, escaped or run away from supervision**
11 **and control and in so doing have endangered their own safety and the**
12 **safety of others. The compacting states also recognize that each state**
13 **is responsible for the safe return of juveniles who have run away from**
14 **home and in doing so have left their state of residence. The compacting**
15 **states also recognize that Congress, by enacting the Crime Control Act,**
16 **4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for**
17 **cooperative efforts and mutual assistance in the prevention of crime.**

18 **It is the purpose of this compact, through means of joint and**
19 **cooperative action among the compacting states to: (A) ensure that the**
20 **adjudicated juveniles and status offenders subject to this compact are**
21 **provided adequate supervision and services in the receiving state as**
22 **ordered by the adjudicating judge or parole authority in the sending**
23 **state; (B) ensure that the public safety interests of the citizens,**
24 **including the victims of juvenile offenders, in both the sending and**
25 **receiving states are adequately protected; (C) return juveniles who**

26 have run away, absconded or escaped from supervision or control or
27 have been accused of an offense to the state requesting their return; (D)
28 make contracts for the cooperative institutionalization in public
29 facilities in member states for delinquent youth needing special
30 services; (E) provide for the effective tracking and supervision of
31 juveniles; (F) equitably allocate the costs, benefits and obligations of
32 the compacting states; (G) establish procedures to manage the
33 movement between states of juvenile offenders released to the
34 community under the jurisdiction of courts, juvenile departments, or
35 any other criminal or juvenile justice agency which has jurisdiction
36 over juvenile offenders; (H) insure immediate notice to jurisdictions
37 where defined offenders are authorized to travel or to relocate across
38 state lines; (I) establish procedures to resolve pending charges
39 (detainers) against juvenile offenders prior to transfer or release to the
40 community under the terms of this compact; (J) establish a system of
41 uniform data collection on information pertaining to juveniles subject
42 to this compact that allows access by authorized juvenile justice and
43 criminal justice officials, and regular reporting of Compact activities
44 to heads of state executive, judicial, and legislative branches and
45 juvenile and criminal justice administrators; (K) monitor compliance
46 with rules governing interstate movement of juveniles and initiate
47 interventions to address and correct non-compliance; (L) coordinate
48 training and education regarding the regulation of interstate movement
49 of juveniles for officials involved in such activity; and (M) coordinate
50 the implementation and operation of the compact with the Interstate
51 Compact for the Placement of Children, the Interstate Compact for
52 Adult Offender Supervision and other compacts affecting juveniles
53 particularly in those cases where concurrent or overlapping
54 supervision issues arise. It is the policy of the compacting states that
55 the activities conducted by the Interstate Commission created herein
56 are the formation of public policies and therefore are public
57 business. Furthermore, the compacting states shall cooperate and
58 observe their individual and collective duties and responsibilities for
59 the prompt return and acceptance of juveniles subject to the provisions
60 of this compact. The provisions of this compact shall be reasonably and
61 liberally construed to accomplish the purposes and policies of the
62 compact.

63

ARTICLE II

64

DEFINITIONS

65

As used in this compact, unless the context clearly requires a

66 **different construction:**

67 **A. "Bylaws" means: those bylaws established by the Interstate**
68 **Commission for its governance, or for directing or controlling its**
69 **actions or conduct.**

70 **B. "Compact Administrator" means: the individual in each**
71 **compacting state appointed pursuant to the terms of this compact,**
72 **responsible for the administration and management of the state's**
73 **supervision and transfer of juveniles subject to the terms of this**
74 **compact, the rules adopted by the Interstate Commission and policies**
75 **adopted by the State Council under this compact.**

76 **C. "Compacting State" means: any state which has enacted the**
77 **enabling legislation for this compact.**

78 **D. "Commissioner" means: the voting representative of each**
79 **compacting state appointed pursuant to Article III of this compact.**

80 **E. "Court" means: any court having jurisdiction over delinquent,**
81 **neglected, or dependent children.**

82 **F. "Deputy Compact Administrator" means: the individual, if any,**
83 **in each compacting state appointed to act on behalf of a Compact**
84 **Administrator pursuant to the terms of this compact responsible for the**
85 **administration and management of the state's supervision and transfer**
86 **of juveniles subject to the terms of this compact, the rules adopted by**
87 **the Interstate Commission and policies adopted by the State Council**
88 **under this compact.**

89 **G. "Interstate Commission" means: the Interstate Commission for**
90 **Juveniles created by Article III of this compact.**

91 **H. "Juvenile" means: any person defined as a juvenile in any**
92 **member state or by the rules of the Interstate Commission, including:**

93 **(1) Accused Delinquent - a person charged with an offense that,**
94 **if committed by an adult, would be a criminal offense;**

95 **(2) Adjudicated Delinquent - a person found to have committed**
96 **an offense that, if committed by an adult, would be a criminal offense;**

97 **(3) Accused Status Offender - a person charged with an offense**
98 **that would not be a criminal offense if committed by an adult;**

99 **(4) Adjudicated Status Offender - a person found to have**
100 **committed an offense that would not be a criminal offense if committed**
101 **by an adult; and**

102 **(5) Non-Offender - a person in need of supervision who has not**
103 **been accused or adjudicated a status offender or delinquent.**

104 I. "Non-Compacting state" means: any state which has not enacted
105 the enabling legislation for this compact.

106 J. "Probation or Parole" means: any kind of supervision or
107 conditional release of juveniles authorized under the laws of the
108 compacting states.

109 K. "Rule" means: a written statement by the Interstate
110 Commission promulgated pursuant to Article VI of this compact that is
111 of general applicability, implements, interprets or prescribes a policy
112 or provision of the Compact, or an organizational, procedural, or
113 practice requirement of the commission, and has the force and effect
114 of statutory law in a compacting state, and includes the amendment,
115 repeal, or suspension of an existing rule.

116 L. "State" means: a state of the United States, the District of
117 Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S.
118 Virgin Islands, Guam, American Samoa, and the Northern Marianas
119 Islands.

120 ARTICLE III

121 INTERSTATE COMMISSION FOR JUVENILES

122 A. The compacting states hereby create the "Interstate
123 Commission for Juveniles." The commission shall be a body corporate
124 and joint agency of the compacting states. The commission shall have
125 all the responsibilities, powers and duties set forth herein, and such
126 additional powers as may be conferred upon it by subsequent action of
127 the respective legislatures of the compacting states in accordance with
128 the terms of this compact.

129 B. The Interstate Commission shall consist of commissioners
130 appointed by the appropriate appointing authority in each state
131 pursuant to the rules and requirements of each compacting state and
132 in consultation with the State Council for Interstate Juvenile
133 Supervision created hereunder. The commissioner shall be the compact
134 administrator, deputy compact administrator or designee from that
135 state who shall serve on the Interstate Commission in such capacity
136 under or pursuant to the applicable law of the compacting state.

137 C. In addition to the commissioners who are the voting
138 representatives of each state, the Interstate Commission shall include
139 individuals who are not commissioners, but who are members of
140 interested organizations. Such non-commissioner members must
141 include a member of the national organizations of governors,

142 legislators, state chief justices, attorneys general, Interstate Compact
143 for Adult Offender Supervision, Interstate Compact for the Placement
144 of Children, juvenile justice and juvenile corrections officials, and
145 crime victims. All non-commissioner members of the Interstate
146 Commission shall be ex-officio (non-voting) members. The Interstate
147 Commission may provide in its bylaws for such additional ex-officio
148 (non-voting) members, including members of other national
149 organizations, in such numbers as shall be determined by the
150 commission.

151 D. Each compacting state represented at any meeting of the
152 commission is entitled to one vote. A majority of the compacting states
153 shall constitute a quorum for the transaction of business, unless a
154 larger quorum is required by the bylaws of the Interstate Commission.

155 E. The commission shall meet at least once each calendar
156 year. The chairperson may call additional meetings and, upon the
157 request of a simple majority of the compacting states, shall call
158 additional meetings. Public notice shall be given of all meetings and
159 meetings shall be open to the public.

160 F. The Interstate Commission shall establish an executive
161 committee, which shall include commission officers, members, and
162 others as determined by the bylaws. The executive committee shall
163 have the power to act on behalf of the Interstate Commission during
164 periods when the Interstate Commission is not in session, with the
165 exception of rulemaking and/or amendment to the compact. The
166 executive committee shall oversee the day-to-day activities of the
167 administration of the compact managed by an executive director and
168 Interstate Commission staff; administers enforcement and compliance
169 with the provisions of the compact, its bylaws and rules, and performs
170 such other duties as directed by the Interstate Commission or set forth
171 in the bylaws.

172 G. Each member of the Interstate Commission shall have the
173 right and power to cast a vote to which that compacting state is
174 entitled and to participate in the business and affairs of the Interstate
175 Commission. A member shall vote in person and shall not delegate a
176 vote to another compacting state. However, a commissioner, in
177 consultation with the state council, shall appoint another authorized
178 representative, in the absence of the commissioner from that state, to
179 cast a vote on behalf of the compacting state at a specified

180 meeting. The bylaws may provide for members' participation in
181 meetings by telephone or other means of telecommunication or
182 electronic communication.

183 **H. The Interstate Commission's bylaws shall establish conditions**
184 **and procedures under which the Interstate Commission shall make its**
185 **information and official records available to the public for inspection**
186 **or copying. The Interstate Commission may exempt from disclosure**
187 **any information or official records to the extent they would adversely**
188 **affect personal privacy rights or proprietary interests.**

189 **I. Public notice shall be given of all meetings and all meetings**
190 **shall be open to the public, except as set forth in the Rules or as**
191 **otherwise provided in the Compact. The Interstate Commission and**
192 **any of its committees may close a meeting to the public where it**
193 **determines by two-thirds vote that an open meeting would be likely to:**

194 **1. Relate solely to the Interstate Commission's internal personnel**
195 **practices and procedures;**

196 **2. Disclose matters specifically exempted from disclosure by**
197 **statute;**

198 **3. Disclose trade secrets or commercial or financial information**
199 **which is privileged or confidential;**

200 **4. Involve accusing any person of a crime, or formally censuring**
201 **any person;**

202 **5. Disclose information of a personal nature where disclosure**
203 **would constitute a clearly unwarranted invasion of personal privacy;**

204 **6. Disclose investigative records compiled for law enforcement**
205 **purposes;**

206 **7. Disclose information contained in or related to examination,**
207 **operating or condition reports prepared by, or on behalf of or for the**
208 **use of, the Interstate Commission with respect to a regulated person or**
209 **entity for the purpose of regulation or supervision of such person or**
210 **entity;**

211 **8. Disclose information, the premature disclosure of which would**
212 **significantly endanger the stability of a regulated person or entity; or**

213 **9. Specifically relate to the Interstate Commission's issuance of**
214 **a subpoena, or its participation in a civil action or other legal**
215 **proceeding.**

216 **J. For every meeting closed pursuant to this provision, the**
217 **Interstate Commission's legal counsel shall publicly certify that, in the**

218 legal counsel's opinion, the meeting may be closed to the public, and
219 shall reference each relevant exemptive provision. The Interstate
220 Commission shall keep minutes which shall fully and clearly describe
221 all matters discussed in any meeting and shall provide a full and
222 accurate summary of any actions taken, and the reasons therefore,
223 including a description of each of the views expressed on any item and
224 the record of any roll call vote (reflected in the vote of each member on
225 the question). All documents considered in connection with any action
226 shall be identified in such minutes.

227 K. The Interstate Commission shall collect standardized data
228 concerning the interstate movement of juveniles as directed through its
229 rules which shall specify the data to be collected, the means of
230 collection and data exchange and reporting requirements. Such
231 methods of data collection, exchange and reporting shall insofar as is
232 reasonably possible conform to up-to-date technology and coordinate
233 its information functions with the appropriate repository of records.

234 ARTICLE IV

235 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

236 The commission shall have the following powers and duties:

- 237 1. To provide for dispute resolution among compacting states.
- 238 2. To promulgate rules to effect the purposes and obligations as
239 enumerated in this compact, which shall have the force and effect of
240 statutory law and shall be binding in the compacting states to the
241 extent and in the manner provided in this compact.
- 242 3. To oversee, supervise and coordinate the interstate movement
243 of juveniles subject to the terms of this compact and any bylaws
244 adopted and rules promulgated by the Interstate Commission.
- 245 4. To enforce compliance with the compact provisions, the rules
246 promulgated by the Interstate Commission, and the bylaws, using all
247 necessary and proper means, including but not limited to the use of
248 judicial process.
- 249 5. To establish and maintain offices which shall be located within
250 one or more of the compacting states.
- 251 6. To purchase and maintain insurance and bonds.
- 252 7. To borrow, accept, hire or contract for services of personnel.
- 253 8. To establish and appoint committees and hire staff which it
254 deems necessary for the carrying out of its functions including, but not
255 limited to, an executive committee as required by Article III which

256 shall have the power to act on behalf of the Interstate Commission in
257 carrying out its powers and duties hereunder.

258 9. To elect or appoint such officers, attorneys, employees, agents,
259 or consultants, and to fix their compensation, define their duties and
260 determine their qualifications; and to establish the Interstate
261 Commission's personnel policies and programs relating to, inter alia,
262 conflicts of interest, rates of compensation, and qualifications of
263 personnel.

264 10. To accept any and all donations and grants of money,
265 equipment, supplies, materials, and services, and to receive, utilize, and
266 dispose of it.

267 11. To lease, purchase, accept contributions or donations of, or
268 otherwise to own, hold, improve or use any property, real, personal, or
269 mixed.

270 12. To sell, convey, mortgage, pledge, lease, exchange, abandon,
271 or otherwise dispose of any property, real, personal or mixed.

272 13. To establish a budget and make expenditures and levy dues
273 as provided in Article VIII of this compact.

274 14. To sue and be sued.

275 15. To adopt a seal and bylaws governing the management and
276 operation of the Interstate Commission.

277 16. To perform such functions as may be necessary or
278 appropriate to achieve the purposes of this compact.

279 17. To report annually to the legislatures, governors, judiciary,
280 and state councils of the compacting states concerning the activities of
281 the Interstate Commission during the preceding year. Such reports
282 shall also include any recommendations that may have been adopted by
283 the Interstate Commission.

284 18. To coordinate education, training and public awareness
285 regarding the interstate movement of juveniles for officials involved in
286 such activity.

287 19. To establish uniform standards of the reporting, collecting
288 and exchanging of data.

289 20. The Interstate Commission shall maintain its corporate books
290 and records in accordance with the bylaws.

291

ARTICLE V

292 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

293 Section A. Bylaws

294 1. The Interstate Commission shall, by a majority of the members
295 present and voting, within twelve months after the first Interstate
296 Commission meeting, adopt bylaws to govern its conduct as may be
297 necessary or appropriate to carry out the purposes of the compact,
298 including, but not limited to:

299 a. Establishing the fiscal year of the Interstate Commission;

300 b. Establishing an executive committee and such other
301 committees as may be necessary;

302 c. Provide for the establishment of committees governing any
303 general or specific delegation of any authority or function of the
304 Interstate Commission;

305 d. Providing reasonable procedures for calling and conducting
306 meetings of the Interstate Commission, and ensuring reasonable notice
307 of each such meeting;

308 e. Establishing the titles and responsibilities of the officers of
309 the Interstate Commission;

310 f. Providing a mechanism for concluding the operations of the
311 Interstate Commission and the return of any surplus funds that may
312 exist upon the termination of the Compact after the payment and/or
313 reserving of all of its debts and obligations;

314 g. Providing "start-up" rules for initial administration of the
315 compact; and

316 h. Establishing standards and procedures for compliance and
317 technical assistance in carrying out the compact.

318 Section B. Officers and Staff

319 1. The Interstate Commission shall, by a majority of the
320 members, elect annually from among its members a chairperson and a
321 vice chairperson, each of whom shall have such authority and duties as
322 may be specified in the bylaws. The chairperson or, in the
323 chairperson's absence or disability, the vice-chairperson shall preside
324 at all meetings of the Interstate Commission. The officers so elected
325 shall serve without compensation or remuneration from the Interstate
326 Commission; provided that, subject to the availability of budgeted
327 funds, the officers shall be reimbursed for any ordinary and necessary
328 costs and expenses incurred by them in the performance of their duties
329 and responsibilities as officers of the Interstate Commission.

330 2. The Interstate Commission shall, through its executive
331 committee, appoint or retain an executive director for such period,

332 upon such terms and conditions and for such compensation as the
333 Interstate Commission may deem appropriate. The executive director
334 shall serve as secretary to the Interstate Commission, but shall not be
335 a Member and shall hire and supervise such other staff as may be
336 authorized by the Interstate Commission.

337 **Section C. Qualified Immunity, Defense and Indemnification**

338 **1. The commission's executive director and employees shall be**
339 **immune from suit and liability, either personally or in their official**
340 **capacity, for any claim for damage to or loss of property or personal**
341 **injury or other civil liability caused or arising out of or relating to any**
342 **actual or alleged act, error, or omission that occurred, or that such**
343 **person had a reasonable basis for believing occurred within the scope**
344 **of commission employment, duties, or responsibilities; provided, that**
345 **any such person shall not be protected from suit or liability for any**
346 **damage, loss, injury, or liability caused by the intentional or willful and**
347 **wanton misconduct of any such person.**

348 **2. The liability of any commissioner, or the employee or agent of**
349 **a commissioner, acting within the scope of such person's employment**
350 **or duties for acts, errors, or omissions occurring within such person's**
351 **state may not exceed the limits of liability set forth under the**
352 **Constitution and laws of that state for state officials, employees, and**
353 **agents. Nothing in this subsection shall be construed to protect any**
354 **such person from suit or liability for any damage, loss, injury, or**
355 **liability caused by the intentional or willful and wanton misconduct of**
356 **any such person.**

357 **3. The Interstate Commission shall defend the executive director**
358 **or the employees or representatives of the Interstate Commission and,**
359 **subject to the approval of the Attorney General of the state represented**
360 **by any commissioner of a compacting state, shall defend such**
361 **commissioner or the commissioner's representatives or employees in**
362 **any civil action seeking to impose liability arising out of any actual or**
363 **alleged act, error or omission that occurred within the scope of**
364 **Interstate Commission employment, duties or responsibilities, or that**
365 **the defendant had a reasonable basis for believing occurred within the**
366 **scope of Interstate Commission employment, duties, or responsibilities,**
367 **provided that the actual or alleged act, error, or omission did not result**
368 **from intentional or willful and wanton misconduct on the part of such**
369 **person.**

446 departments of the state government as evidence of the authorized
447 statute and administrative rules. All courts shall take judicial notice
448 of the compact and the rules. In any judicial or administrative
449 proceeding in a compacting state pertaining to the subject matter of
450 this compact which may affect the powers, responsibilities or actions
451 of the Interstate Commission, it shall be entitled to receive all service
452 of process in any such proceeding, and shall have standing to intervene
453 in the proceeding for all purposes.

454 **Section B. Dispute Resolution**

455 1. The compacting states shall report to the Interstate
456 Commission on all issues and activities necessary for the
457 administration of the compact as well as issues and activities
458 pertaining to compliance with the provisions of the compact and its
459 bylaws and rules.

460 2. The Interstate Commission shall attempt, upon the request of
461 a compacting state, to resolve any disputes or other issues which are
462 subject to the compact and which may arise among compacting states
463 and between compacting and non-compacting states. The commission
464 shall promulgate a rule providing for both mediation and binding
465 dispute resolution for disputes among the compacting states.

466 3. The Interstate Commission, in the reasonable exercise of its
467 discretion, shall enforce the provisions and rules of this compact using
468 any or all means set forth in Article XI of this compact.

469 **ARTICLE VIII**

470 **FINANCE**

471 A. The Interstate Commission shall pay or provide for the
472 payment of the reasonable expenses of its establishment, organization
473 and ongoing activities.

474 B. The Interstate Commission shall levy on and collect an annual
475 assessment from each compacting state to cover the cost of the internal
476 operations and activities of the Interstate Commission and its staff
477 which must be in a total amount sufficient to cover the Interstate
478 Commission's annual budget as approved each year. The aggregate
479 annual assessment amount shall be allocated based upon a formula to
480 be determined by the Interstate Commission, taking into consideration
481 the population of each compacting state and the volume of interstate
482 movement of juveniles in each compacting state and shall promulgate
483 a rule binding upon all compacting states which governs said

484 assessment.

485 C. The Interstate Commission shall not incur any obligations of
486 any kind prior to securing the funds adequate to meet the same; nor
487 shall the Interstate Commission pledge the credit of any of the
488 compacting states, except by and with the authority of the compacting
489 state.

490 D. The Interstate Commission shall keep accurate accounts of all
491 receipts and disbursements. The receipts and disbursements of the
492 Interstate Commission shall be subject to the audit and accounting
493 procedures established under its bylaws. However, all receipts and
494 disbursements of funds handled by the Interstate Commission shall be
495 audited yearly by a certified or licensed public accountant and the
496 report of the audit shall be included in and become part of the annual
497 report of the Interstate Commission.

498 ARTICLE IX

499 THE STATE COUNCIL

500 Each member state shall create a State Council for Interstate
501 Juvenile Supervision. While each state may determine the membership
502 of its own state council, its membership must include at least one
503 representative from the legislative, judicial, and executive branches of
504 government, victims groups, and the compact administrator, deputy
505 compact administrator or designee. Each compacting state retains the
506 right to determine the qualifications of the compact administrator or
507 deputy compact administrator. Each state council will advise and may
508 exercise oversight and advocacy concerning that state's participation
509 in Interstate Commission activities and other duties as may be
510 determined by that state, including but not limited to, development of
511 policy concerning operations and procedures of the compact within
512 that state.

513 ARTICLE X

514 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

515 A. Any state, the District of Columbia (or its designee), the
516 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
517 Samoa, and the Northern Marianas Islands as defined in Article II of
518 this compact is eligible to become a compacting state.

519 B. The compact shall become effective and binding upon
520 legislative enactment of the compact into law by no less than 35 of the
521 states. The initial effective date shall be the later of July 1, 2004, or

522 upon enactment into law by the 35th jurisdiction. Thereafter, it shall
523 become effective and binding as to any other compacting state upon
524 enactment of the compact into law by that state. The governors of non-
525 member states or their designees shall be invited to participate in the
526 activities of the Interstate Commission on a non-voting basis prior to
527 adoption of the compact by all states and territories of the United
528 States.

529 C. The Interstate Commission may propose amendments to the
530 compact for enactment by the compacting states. No amendment shall
531 become effective and binding upon the Interstate Commission and the
532 compacting states unless and until it is enacted into law by unanimous
533 consent of the compacting states.

534 ARTICLE XI

535 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

536 Section A. Withdrawal

537 1. Once effective, the compact shall continue in force and remain
538 binding upon each and every compacting state; provided that a
539 compacting state may withdraw from the compact by specifically
540 repealing the statute which enacted the compact into law.

541 2. The effective date of withdrawal is the effective date of the
542 repeal.

543 3. The withdrawing state shall immediately notify the
544 chairperson of the Interstate Commission in writing upon the
545 introduction of legislation repealing this compact in the withdrawing
546 state. The Interstate Commission shall notify the other compacting
547 states of the withdrawing state's intent to withdraw within sixty days
548 of its receipt thereof.

549 4. The withdrawing state is responsible for all assessments,
550 obligations and liabilities incurred through the effective date of
551 withdrawal, including any obligations, the performance of which
552 extend beyond the effective date of withdrawal.

553 5. Reinstatement following withdrawal of any compacting state
554 shall occur upon the withdrawing state reenacting the compact or upon
555 such later date as determined by the Interstate Commission.

556 Section B. Technical Assistance, Fines, Suspension, Termination
557 and Default

558 1. If the Interstate Commission determines that any compacting
559 state has at any time defaulted in the performance of any of its

560 obligations or responsibilities under this compact, or the bylaws or
561 duly promulgated rules, the Interstate Commission may impose any or
562 all of the following penalties:

563 a. Remedial training and technical assistance as directed by the
564 Interstate Commission;

565 b. Alternative Dispute Resolution;

566 c. Fines, fees, and costs in such amounts as are deemed to be
567 reasonable as fixed by the Interstate Commission; and

568 d. Suspension or termination of membership in the compact,
569 which shall be imposed only after all other reasonable means of
570 securing compliance under the bylaws and rules have been exhausted
571 and the Interstate Commission has therefore determined that the
572 offending state is in default. Immediate notice of suspension shall be
573 given by the Interstate Commission to the Governor, the Chief Justice
574 or the Chief Judicial Officer of the state, the Majority and Minority
575 leaders of the defaulting state's legislature, and the state council. The
576 grounds for default include, but are not limited to, failure of a
577 compacting state to perform such obligations or responsibilities
578 imposed upon it by this compact, the bylaws, or duly promulgated rules
579 and any other grounds designated in commission bylaws and rules. The
580 Interstate Commission shall immediately notify the defaulting state in
581 writing of the penalty imposed by the Interstate Commission and of the
582 default pending a cure of the default. The commission shall stipulate
583 the conditions and the time period within which the defaulting state
584 must cure its default. If the defaulting state fails to cure the default
585 within the time period specified by the commission, the defaulting state
586 shall be terminated from the compact upon an affirmative vote of a
587 majority of the compacting states and all rights, privileges and benefits
588 conferred by this compact shall be terminated from the effective date
589 of termination.

590 2. Within sixty days of the effective date of termination of a
591 defaulting state, the commission shall notify the Governor, the Chief
592 Justice or Chief Judicial Officer, the Majority and Minority Leaders of
593 the defaulting state's legislature, and the state council of such
594 termination.

595 3. The defaulting state is responsible for all assessments,
596 obligations and liabilities incurred through the effective date of
597 termination including any obligations, the performance of which

598 extends beyond the effective date of termination.

599 4. The Interstate Commission shall not bear any costs relating to
600 the defaulting state unless otherwise mutually agreed upon in writing
601 between the Interstate Commission and the defaulting state.

602 5. Reinstatement following termination of any compacting state
603 requires both a reenactment of the compact by the defaulting state and
604 the approval of the Interstate Commission pursuant to the rules.

605 Section C. Judicial Enforcement

606 The Interstate Commission may, by majority vote of the members,
607 initiate legal action in the United States District Court for the District
608 of Columbia or, at the discretion of the Interstate Commission, in the
609 federal district where the Interstate Commission has its offices, to
610 enforce compliance with the provisions of the compact, its duly
611 promulgated rules and bylaws, against any compacting state in default.
612 In the event judicial enforcement is necessary the prevailing party
613 shall be awarded all costs of such litigation including reasonable
614 attorneys fees.

615 Section D. Dissolution of Compact

616 1. The compact dissolves effective upon the date of the
617 withdrawal or default of the compacting state, which reduces
618 membership in the compact to one compacting state.

619 2. Upon the dissolution of this compact, the compact becomes
620 null and void and shall be of no further force or effect, and the business
621 and affairs of the Interstate Commission shall be concluded and any
622 surplus funds shall be distributed in accordance with the bylaws.

623 ARTICLE XII

624 SEVERABILITY AND CONSTRUCTION

625 A. The provisions of this compact shall be severable, and if any
626 phrase, clause, sentence or provision is deemed unenforceable, the
627 remaining provisions of the compact shall be enforceable.

628 B. The provisions of this compact shall be liberally construed to
629 effectuate its purposes.

630 ARTICLE XIII

631 BINDING EFFECT OF COMPACT AND OTHER LAWS

632 Section A. Other Laws

633 1. Nothing herein prevents the enforcement of any other law of
634 a compacting state that is not inconsistent with this compact.

635 2. All compacting states' laws other than state Constitutions and

636 other interstate compacts conflicting with this compact are superseded
637 to the extent of the conflict.

638 **Section B. Binding Effect of the Compact**

639 **1. All lawful actions of the Interstate Commission, including all**
640 **rules and bylaws promulgated by the Interstate Commission, are**
641 **binding upon the compacting states.**

642 **2. All agreements between the Interstate Commission and the**
643 **compacting states are binding in accordance with their terms.**

644 **3. Upon the request of a party to a conflict over meaning or**
645 **interpretation of Interstate Commission actions, and upon a majority**
646 **vote of the compacting states, the Interstate Commission may issue**
647 **advisory opinions regarding such meaning or interpretation.**

648 **4. In the event any provision of this compact exceeds the**
649 **constitutional limits imposed on the legislature of any compacting**
650 **state, the obligations, duties, powers or jurisdiction sought to be**
651 **conferred by such provision upon the Interstate Commission shall be**
652 **ineffective and such obligations, duties, powers or jurisdiction shall**
653 **remain in the compacting state and shall be exercised by the agency**
654 **thereof to which such obligations, duties, powers or jurisdiction are**
655 **delegated by law in effect at the time this compact becomes effective.**

210.580. The compact shall become binding upon the state of Missouri
2 [when signed by the commissioners as herein provided and by the proper
3 authorities of any other state entering into the compact] **upon legislative**
4 **enactment of the compact into law by no less than thirty-five of the**
5 **states. The initial effective date shall be the later of August 28, 2007,**
6 **or upon enactment into law by the thirty-fifth jurisdiction. Thereafter**
7 **it shall become effective and binding as to any other compacting state**
8 **upon enactment of the compact into law by that state.**

210.620. The Interstate Compact on the Placement of Children is hereby
2 enacted into law and entered into with all other jurisdictions legally joining
3 therein, in form substantially as follows:

4 **[ARTICLE I**

5 **It is the purpose and policy of the party states to cooperate with each other**
6 **in the interstate placement of children to the end that:**

7 **(a) Each child requiring placement shall receive the maximum opportunity**
8 **to be placed in a suitable environment and with persons or institutions having**
9 **appropriate qualifications and facilities to provide a necessary and desirable**
10 **degree and type of care.**

11 (b) The appropriate authorities in a state where a child is to be placed
12 may have full opportunity to ascertain the circumstances of the proposed
13 placement, thereby promoting full compliance with applicable requirements for
14 the protection of the child.

15 (c) The proper authorities of the state from which the placement is made
16 may obtain the most complete information on the basis of which to evaluate a
17 projected placement before it is made.

18 (d) Appropriate jurisdictional arrangements for the care of children will
19 be promoted.

20 ARTICLE II

21 As used in this compact:

22 (a) "Child" means a person who, by reason of minority, is legally subject
23 to parental, guardianship or similar control.

24 (b) "Sending agency" means a party state, officer or employee thereof; a
25 subdivision of a party state, or officer or employee thereof; a court of a party
26 state; a person, corporation, association, charitable agency or other entity which
27 sends, brings, or causes to be sent or brought any child to another party state.

28 (c) "Receiving state" means the state to which a child is sent, brought, or
29 caused to be sent or brought, whether by public authorities or private persons or
30 agencies, and whether for placement with state or local public authorities or for
31 placement with private agencies or persons.

32 (d) "Placement" means the arrangement for the care of a child in a family
33 free or boarding home or in a child-caring agency or institution but does not
34 include any institution caring for the mentally ill, mentally defective or epileptic
35 or any institution primarily educational in character, and any hospital or other
36 medical facility.

37 ARTICLE III

38 (a) No sending agency shall send, bring, or cause to be sent or brought
39 into any other party state any child for placement in foster care or as a
40 preliminary to a possible adoption unless the sending agency shall comply with
41 each and every requirement set forth in this article and with the applicable laws
42 of the receiving state governing the placement of children therein.

43 (b) Prior to sending, bringing or causing any child to be sent or brought
44 into a receiving state for placement in foster care or as a preliminary to a possible
45 adoption, the sending agency shall furnish the appropriate public authorities in
46 the receiving state written notice of the intention to send, bring, or place the child
47 in the receiving state. The notice shall contain:

48 1. The name, date and place of birth of the child.

49 2. The identity and address or addresses of the parents or legal guardian.

50 3. The name and address of the person, agency or institution to or with
51 which the sending agency proposes to send, bring, or place the child.

52 4. A full statement of the reasons for such proposed action and evidence
53 of the authority pursuant to which the placement is proposed to be made.

54 (c) Any public officer or agency in a receiving state which is in receipt of
55 a notice pursuant to paragraph (b) of this article may request of the sending
56 agency, or any other appropriate officer or agency of or in the sending agency's
57 state, and shall be entitled to receive therefrom, such supporting or additional
58 information as it may deem necessary under the circumstances to carry out the
59 purpose and policy of this compact.

60 (d) The child shall not be sent, brought, or caused to be sent or brought
61 into the receiving state until the appropriate public authorities in the receiving
62 state shall notify the sending agency, in writing, to the effect that the proposed
63 placement does not appear to be contrary to the interests of the child.

64

ARTICLE IV

65 The sending, bringing, or causing to be sent or brought into any receiving
66 state of a child in violation of the terms of this compact shall constitute a
67 violation of the laws respecting the placement of children of both the state in
68 which the sending agency is located or from which it sends or brings the child and
69 of the receiving state. Such violation may be punished or subjected to penalty in
70 either jurisdiction in accordance with its laws. In addition to liability for any
71 such punishment or penalty, any such violation shall constitute full and sufficient
72 grounds for the suspension or revocation of any license, permit, or other legal
73 authorization held by the sending agency which empowers or allows it to place,
74 or care for children.

75

ARTICLE V

76 (a) The sending agency shall retain jurisdiction over the child sufficient
77 to determine all matters in relation to the custody, supervision, care, treatment
78 and disposition of the child which it would have had if the child had remained in
79 the sending agency's state, until the child is adopted, reaches majority, becomes
80 self-supporting or is discharged with the concurrence of the appropriate authority
81 in the receiving state. Such jurisdiction shall also include the power to effect or
82 cause the return of the child or its transfer to another location and custody
83 pursuant to law. The sending agency shall continue to have financial
84 responsibility for support and maintenance of the child during the period of the
85 placement. Nothing contained herein shall defeat a claim of jurisdiction by a
86 receiving state sufficient to deal with an act of delinquency or crime committed

87 therein.

88 (b) When the sending agency is a public agency, it may enter into an
89 agreement with an authorized public or private agency in the receiving state
90 providing for the performance of one or more services in respect of such case by
91 the latter as agent for the sending agency.

92 (c) Nothing in this compact shall be construed to prevent a private
93 charitable agency authorized to place children in the receiving state from
94 performing services or acting as agent in that state for a private charitable
95 agency of the sending state; nor to prevent the agency in the receiving state from
96 discharging financial responsibility for the support and maintenance of a child
97 who has been placed on behalf of the sending agency without relieving the
98 responsibility set forth in paragraph (a) hereof.

99

ARTICLE VI

100 A child adjudicated delinquent may be placed in an institution in another
101 party jurisdiction pursuant to this compact but no such placement shall be made
102 unless the child is given a court hearing on notice to the parent or guardian with
103 opportunity to be heard, prior to his being sent to such other party jurisdiction
104 for institutional care and the court finds that:

105 1. Equivalent facilities for the child are not available in the sending
106 agency's jurisdiction; and

107 2. Institutional care in the other jurisdiction is in the best interest of the
108 child and will not produce undue hardship.

109

ARTICLE VII

110 The executive head of each jurisdiction party to this compact shall
111 designate an officer who shall be general coordinator of activities under this
112 compact in his jurisdiction and who, acting jointly with like officers of other party
113 jurisdictions, shall have powers to promulgate rules and regulations to carry out
114 more effectively the terms and provisions of this compact.

115

ARTICLE VIII

116 This compact shall not apply to:

117 (a) The sending or bringing of a child into a receiving state by his parent,
118 stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his
119 guardian and leaving the child with any such relative or nonagency guardian in
120 the receiving state.

121 (b) Any placement, sending or bringing of a child into a receiving state
122 pursuant to any other interstate compact to which both the state from which the
123 child is sent or brought and the receiving state are party, or to any other
124 agreement between said states which has the force of law.

125

ARTICLE IX

126 This compact shall be open to joinder by any state, territory or possession
127 of the United States, the District of Columbia, the Commonwealth of Puerto Rico,
128 and with the consent of Congress, the Government of Canada or any province
129 thereof. It shall become effective with respect to any such jurisdiction when such
130 jurisdiction has enacted the same into law. Withdrawal from this compact shall
131 be by the enactment of a statute repealing the same, but shall not take effect
132 until two years after the effective date of such statute and until written notice of
133 the withdrawal has been given by the withdrawing state to the Governor of each
134 other party jurisdiction. Withdrawal of a party state shall not affect the rights,
135 duties and obligations under this compact of any sending agency therein with
136 respect to a placement made prior to the effective date of withdrawal.

137

ARTICLE X

138 The provisions of this compact shall be liberally construed to effectuate the
139 purposes thereof. The provisions of this compact shall be severable and if any
140 phrase, clause, sentence or provision of this compact is declared to be contrary to
141 the constitution of any party state or of the United States or the applicability
142 thereof to any government, agency, person or circumstance is held invalid, the
143 validity of the remainder of this compact and the applicability thereof to any
144 government, agency, person or circumstance shall not be affected thereby. If this
145 compact shall be held contrary to the constitution of any state party thereto, the
146 compact shall remain in full force and effect as to the remaining states and in full
147 force and effect as to the state affected as to all severable matters.]

148

ARTICLE I. PURPOSE

149 **The purpose of this Interstate Compact for the Placement of**
150 **Children is to:**

151 **A. Provide a process through which children subject to this**
152 **compact are placed in safe and suitable homes in a timely manner.**

153 **B. Facilitate ongoing supervision of a placement, the delivery of**
154 **services, and communication between the states.**

155 **C. Provide operating procedures that will ensure that children**
156 **are placed in safe and suitable homes in a timely manner.**

157 **D. Provide for the promulgation and enforcement of**
158 **administrative rules implementing the provisions of this compact and**
159 **regulating the covered activities of the member states.**

160 **E. Provide for uniform data collection and information sharing**
161 **between member states under this compact.**

162 **F. Promote coordination between this compact, the Interstate**

163 **Compact for Juveniles, the Interstate Compact on Adoption and**
164 **Medical Assistance and other compacts affecting the placement of and**
165 **which provide services to children otherwise subject to this compact.**

166 **G. Provide for a state's continuing legal jurisdiction and**
167 **responsibility for placement and care of a child that it would have had**
168 **if the placement were intrastate.**

169 **H. Provide for the promulgation of guidelines, in collaboration**
170 **with Indian tribes, for interstate cases involving Indian children as is**
171 **or may be permitted by federal law.**

172 **ARTICLE II. DEFINITIONS**

173 **As used in this compact,**

174 **A. "Approved placement" means the receiving state has**
175 **determined after an assessment that the placement is both safe and**
176 **suitable for the child and is in compliance with the applicable laws of**
177 **the receiving state governing the placement of children therein.**

178 **B. "Assessment" means an evaluation of a prospective placement**
179 **to determine whether the placement meets the individualized needs of**
180 **the child, including but not limited to the child's safety and stability,**
181 **health and well-being, and mental, emotional and physical**
182 **development.**

183 **C. "Child" means an individual who has not attained the age of**
184 **eighteen (18).**

185 **D. "Default" means the failure of a member state to perform the**
186 **obligations or responsibilities imposed upon it by this compact, the**
187 **bylaws or rules of the Interstate Commission.**

188 **E. "Indian tribe" means any Indian tribe, band, nation, or other**
189 **organized group or community of Indians recognized as eligible for**
190 **services provided to Indians by the Secretary of the Interior because**
191 **of their status as Indians, including any Alaskan native village as**
192 **defined in section 3 (c) of the Alaska Native Claims settlement Act at 43**
193 **USC §1602(c).**

194 **F. "Interstate Commission for the Placement of Children" means**
195 **the commission that is created under Article VIII of this compact and**
196 **which is generally referred to as the Interstate Commission.**

197 **G. "Jurisdiction" means the power and authority of a court to**
198 **hear and decide matters.**

199 **H. "Member state" means a state that has enacted this compact.**

200 **I. "Non-custodial parent" means a person who, at the time of the**

201 commencement of court proceedings in the sending state, does not have
202 sole legal custody of the child or has joint legal custody of a child, and
203 who is not the subject of allegations or findings of child abuse or
204 neglect.

205 J. "Non-member state" means a state which has not enacted this
206 compact.

207 K. "Notice of residential placement" means information regarding
208 a placement into a residential facility provided to the receiving state
209 including, but not limited to the name, date and place of birth of the
210 child, the identity and address of the parent or legal guardian, evidence
211 of authority to make the placement, and the name and address of the
212 facility in which the child will be placed. Notice of residential
213 placement shall also include information regarding a discharge and any
214 unauthorized absence from the facility.

215 L. "Placement" means the act by a public or private child placing
216 agency intended to arrange for the care or custody of a child in another
217 state.

218 M. "Private child placing agency" means any private corporation,
219 agency, foundation, institution, or charitable organization, or any
220 private person or attorney that facilitates, causes, or is involved in the
221 placement of a child from one state to another and that is not an
222 instrumentality of the state or acting under color of state law.

223 N. "Provisional placement" means that the receiving state has
224 determined that the proposed placement is safe and suitable, and, to
225 the extent allowable, the receiving state has temporarily waived its
226 standards or requirements otherwise applicable to prospective foster
227 or adoptive parents so as to not delay the placement. Completion of the
228 receiving state requirements regarding training for prospective foster
229 or adoptive parents shall not delay an otherwise safe and suitable
230 placement.

231 O. "Public child placing agency" means any government child
232 welfare agency or child protection agency or a private entity under
233 contract with such an agency, regardless of whether they act on behalf
234 of a state, county, municipality or other governmental unit and which
235 facilitates, causes, or is involved in the placement of a child from one
236 state to another.

237 P. "Receiving state" means the state to which a child is sent,
238 brought, or caused to be sent or brought.

239 **Q. "Relative" means someone who is related to the child as a**
240 **parent, step-parent, sibling by half or whole blood or by adoption,**
241 **grandparent, aunt, uncle, or first cousin or a non-relative with such**
242 **significant ties to the child that they may be regarded as relatives as**
243 **determined by the court in the sending state.**

244 **R. "Residential Facility" means a facility providing a level of care**
245 **that is sufficient to substitute for parental responsibility or foster care,**
246 **and is beyond what is needed for assessment or treatment of an acute**
247 **condition. For purposes of the compact, residential facilities do not**
248 **include institutions primarily educational in character, hospitals or**
249 **other medical facilities.**

250 **S. "Rule" means a written directive, mandate, standard or**
251 **principle issued by the Interstate Commission promulgated pursuant**
252 **to Article XI of this compact that is of general applicability and that**
253 **implements, interprets or prescribes a policy or provision of the**
254 **compact. "Rule" has the force and effect of statutory law in a member**
255 **state, and includes the amendment, repeal, or suspension of an existing**
256 **rule.**

257 **T. "Sending state" means the state from which the placement of**
258 **a child is initiated.**

259 **U. "Service member's permanent duty station" means the military**
260 **installation where an active duty Armed Services member is currently**
261 **assigned and is physically located under competent orders that do not**
262 **specify the duty as temporary.**

263 **V. "Service member's state of legal residence" means the state in**
264 **which the active duty Armed Services member is considered a resident**
265 **for tax and voting purposes.**

266 **W. "State" means a state of the United States, the District of**
267 **Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,**
268 **Guam, American Samoa, the Northern Marianas Islands and any other**
269 **territory of the United States.**

270 **X. "State court" means a judicial body of a state that is vested by**
271 **law with responsibility for adjudicating cases involving abuse, neglect,**
272 **deprivation, delinquency or status offenses of individuals who have not**
273 **attained the age of eighteen (18).**

274 **Y. "Supervision" means monitoring provided by the receiving**
275 **state once a child has been placed in a receiving state pursuant to this**
276 **compact.**

277

ARTICLE III. APPLICABILITY

278 **A. Except as otherwise provided in Article III, Section B, this**
279 **compact shall apply to:**

280 **1. The interstate placement of a child subject to ongoing court**
281 **jurisdiction in the sending state, due to allegations or findings that the**
282 **child has been abused, neglected, or deprived as defined by the laws of**
283 **the sending state, provided, however, that the placement of such a child**
284 **into a residential facility shall only require notice of residential**
285 **placement to the receiving state prior to placement.**

286 **2. The interstate placement of a child adjudicated delinquent or**
287 **unmanageable based on the laws of the sending state and subject to**
288 **ongoing court jurisdiction of the sending state if:**

289 **a. the child is being placed in a residential facility in another**
290 **member state and is not covered under another compact; or**

291 **b. the child is being placed in another member state and the**
292 **determination of safety and suitability of the placement and services**
293 **required is not provided through another compact.**

294 **3. The interstate placement of any child by a public child placing**
295 **agency or private child placing agency as defined in this compact as a**
296 **preliminary step to a possible adoption.**

297 **B. The provisions of this compact shall not apply to:**

298 **1. The interstate placement of a child with a non-relative in a**
299 **receiving state by a parent with the legal authority to make such a**
300 **placement provided, however, that the placement is not intended to**
301 **effectuate an adoption.**

302 **2. The interstate placement of a child by one relative with the**
303 **lawful authority to make such a placement directly with a relative in**
304 **a receiving state.**

305 **3. The placement of a child, not subject to Article III, Section A,**
306 **into a residential facility by his parent.**

307 **4. The placement of a child with a non-custodial parent provided**
308 **that:**

309 **a. The non-custodial parent proves to the satisfaction of a court**
310 **in the sending state a substantial relationship with the child; and**

311 **b. The court in the sending state makes a written finding that**
312 **placement with the non-custodial parent is in the best interests of the**
313 **child; and**

314 **c. The court in the sending state dismisses its jurisdiction over**

315 the child's case.

316 5. A child entering the United States from a foreign country for
317 the purpose of adoption or leaving the United States to go to a foreign
318 country for the purpose of adoption in that country.

319 6. Cases in which a U.S. citizen child living overseas with his
320 family, at least one of whom is in the U.S. Armed Services, and who is
321 stationed overseas, is removed and placed in a state.

322 7. The sending of a child by a public child placing agency or a
323 private child placing agency for a visit as defined by the rules of the
324 Interstate Commission.

325 C. For purposes of determining the applicability of this compact
326 to the placement of a child with a family in the Armed Services, the
327 public child placing agency or private child placing agency may choose
328 the state of the service member's permanent duty station or the service
329 member's declared legal residence.

330 D. Nothing in this compact shall be construed to prohibit the
331 concurrent application of the provisions of this compact with other
332 applicable interstate compacts including the Interstate Compact for
333 Juveniles and the Interstate Compact on Adoption and Medical
334 Assistance. The Interstate Commission may in cooperation with other
335 interstate compact commissions having responsibility for the interstate
336 movement, placement or transfer of children, promulgate like rules to
337 ensure the coordination of services, timely placement of children, and
338 the reduction of unnecessary or duplicative administrative or
339 procedural requirements.

340 ARTICLE IV. JURISDICTION

341 A. The sending state shall retain jurisdiction over a child with
342 respect to all matters of custody and disposition of the child which it
343 would have had if the child had remained in the sending state. Such
344 jurisdiction shall also include the power to order the return of the
345 child to the sending state.

346 B. When an issue of child protection or custody is brought before
347 a court in the receiving state, such court shall confer with the court of
348 the sending state to determine the most appropriate forum for
349 adjudication.

350 C. In accordance with its own laws, the court in the sending
351 state shall have authority to terminate its jurisdiction if:

352 1. The child is reunified with the parent in the receiving state

353 who is the subject of allegations or findings of abuse or neglect, only
354 with the concurrence of the public child placing agency in the
355 receiving state; or

356 2. The child is adopted; or

357 3. The child reaches the age of majority under the laws of the
358 sending state; or

359 4. The child achieves legal independence pursuant to the laws of
360 the sending state; or

361 5. A guardianship is created by a court in the receiving state
362 with the concurrence of the court in the sending state; or

363 6. An Indian tribe has petitioned for and received jurisdiction
364 from the court in the sending state; or

365 7. The public child placing agency of the sending state requests
366 termination and has obtained the concurrence of the public child
367 placing agency in the receiving state.

368 D. When a sending state court terminates its jurisdiction, the
369 receiving state child placing agency shall be notified.

370 E. Nothing in this article shall defeat a claim of jurisdiction by
371 a receiving state court sufficient to deal with an act of truancy,
372 delinquency, crime or behavior involving a child as defined by the laws
373 of the receiving state committed by the child in the receiving state
374 which would be a violation of its laws.

375 F. Nothing in this article shall limit the receiving state's ability
376 to take emergency jurisdiction for the protection of the child.

377 ARTICLE V. ASSESSMENTS

378 A. Prior to sending, bringing, or causing a child to be sent or
379 brought into a receiving state, the public child placing agency shall
380 provide a written request for assessment to the receiving state.

381 B. Prior to the sending, bringing, or causing a child to be sent or
382 brought into a receiving state, the private child placing agency shall:

383 1. Provide evidence that the applicable laws of the sending state
384 have been complied with; and

385 2. Certification that the consent or relinquishment is in
386 compliance with applicable law of the birth parent's state of residence
387 or, where permitted, the laws of the state of where the finalization of
388 the adoption will occur; and

389 3. Request through the public child placing agency in the
390 sending state an assessment to be conducted in the receiving state; and

391 4. Upon completion of the assessment, obtain the approval of the
392 public child placing agency in the receiving state.

393 C. The procedures for making and the request for an assessment
394 shall contain all information and be in such form as provided for in the
395 rules of the Interstate Commission.

396 D. Upon receipt of a request from the public child welfare
397 agency of the sending state, the receiving state shall initiate an
398 assessment of the proposed placement to determine its safety and
399 suitability. If the proposed placement is a placement with a relative,
400 the public child placing agency of the sending state may request a
401 determination of whether the placement qualifies as a provisional
402 placement.

403 E. The public child placing agency in the receiving state may
404 request from the public child placing agency or the private child
405 placing agency in the sending state, and shall be entitled to receive
406 supporting or additional information necessary to complete the
407 assessment.

408 F. The public child placing agency in the receiving state shall
409 complete or arrange for the completion of the assessment within the
410 timeframes established by the rules of the Interstate Commission.

411 G. The Interstate Commission may develop uniform standards for
412 the assessment of the safety and suitability of interstate placements.

413 ARTICLE VI. PLACEMENT AUTHORITY

414 A. Except as provided in Article VI, Section C, no child subject
415 to this compact shall be placed into a receiving state until approval for
416 such placement is obtained.

417 B. If the public child placing agency in the receiving state does
418 not approve the proposed placement then the child shall not be
419 placed. The receiving state shall provide written documentation of any
420 such determination in accordance with the rules promulgated by the
421 Interstate Commission. Such determination is not subject to judicial
422 review in the sending state.

423 C. If the proposed placement is not approved, any interested
424 party shall have standing to seek an administrative review of the
425 receiving state's determination.

426 1. The administrative review and any further judicial review
427 associated with the determination shall be conducted in the receiving
428 state pursuant to its applicable administrative procedures.

429 2. If a determination not to approve the placement of the child
430 in the receiving state is overturned upon review, the placement shall
431 be deemed approved, provided however that all administrative or
432 judicial remedies have been exhausted or the time for such remedies
433 has passed.

434 **ARTICLE VII. STATE RESPONSIBILITY**

435 **A. For the interstate placement of a child made by a public child**
436 **placing agency or state court:**

437 1. The public child placing agency in the sending state shall have
438 financial responsibility for:

439 a. the ongoing support and maintenance for the child during the
440 period of the placement, unless otherwise provided for in the receiving
441 state; and

442 b. as determined by the public child placing agency in the
443 sending state, services for the child beyond the public services for
444 which the child is eligible in the receiving state.

445 2. The receiving state shall only have financial responsibility for:

446 a. any assessment conducted by the receiving state; and

447 b. supervision conducted by the receiving state at the level
448 necessary to support the placement as agreed upon by the public child
449 placing agencies of the receiving and sending state.

450 3. Nothing in this provision shall prohibit public child placing
451 agencies in the sending state from entering into agreements with
452 licensed agencies or persons in the receiving state to conduct
453 assessments and provide supervision.

454 **B. For the placement of a child by a private child placing agency**
455 **preliminary to a possible adoption, the private child placing agency**
456 **shall be:**

457 1. Legally responsible for the child during the period of
458 placement as provided for in the law of the sending state until the
459 finalization of the adoption.

460 2. Financially responsible for the child absent a contractual
461 agreement to the contrary.

462 **C. A private child placing agency shall be responsible for any**
463 **assessment conducted in the receiving state and any supervision**
464 **conducted by the receiving state at the level required by the laws of the**
465 **receiving state or the rules of the Interstate Commission.**

466 **D. The public child placing agency in the receiving state shall**

467 provide timely assessments, as provided for in the rules of the
468 Interstate Commission.

469 E. The public child placing agency in the receiving state shall
470 provide, or arrange for the provision of, supervision and services for
471 the child, including timely reports, during the period of the placement.

472 F. Nothing in this compact shall be construed as to limit the
473 authority of the public child placing agency in the receiving state from
474 contracting with a licensed agency or person in the receiving state for
475 an assessment or the provision of supervision or services for the child
476 or otherwise authorizing the provision of supervision or services by a
477 licensed agency during the period of placement.

478 G. Each member state shall provide for coordination among its
479 branches of government concerning the state's participation in, and
480 compliance with, the compact and Interstate Commission activities,
481 through the creation of an advisory council or use of an existing body
482 or board.

483 H. Each member state shall establish a central state compact
484 office, which shall be responsible for state compliance with the compact
485 and the rules of the Interstate Commission.

486 I. The public child placing agency in the sending state shall
487 oversee compliance with the provisions of the Indian Child Welfare Act
488 (25 USC 1901 et seq.) for placements subject to the provisions of this
489 compact, prior to placement.

490 J. With the consent of the Interstate Commission, states may
491 enter into limited agreements that facilitate the timely assessment and
492 provision of services and supervision of placements under this compact.

493 **ARTICLE VIII. INTERSTATE COMMISSION FOR THE PLACEMENT OF**
494 **CHILDREN**

495 The member states hereby establish, by way of this compact, a
496 commission known as the "Interstate Commission for the Placement of
497 Children." The activities of the Interstate Commission are the
498 formation of public policy and are a discretionary state function. The
499 Interstate Commission shall:

500 A. Be a joint commission of the member states and shall have the
501 responsibilities, powers and duties set forth herein, and such additional
502 powers as may be conferred upon it by subsequent concurrent action
503 of the respective legislatures of the member states.

504 B. Consist of one commissioner from each member state who

505 shall be appointed by the executive head of the state human services
506 administration with ultimate responsibility for the child welfare
507 program. The appointed commissioner shall have the legal authority
508 to vote on policy related matters governed by this compact binding the
509 state.

510 1. Each member state represented at a meeting of the Interstate
511 Commission is entitled to one vote.

512 2. A majority of the member states shall constitute a quorum for
513 the transaction of business, unless a larger quorum is required by the
514 bylaws of the Interstate Commission.

515 3. A representative shall not delegate a vote to another member
516 state.

517 4. A representative may delegate voting authority to another
518 person from their state for a specified meeting.

519 C. In addition to the commissioners of each member state, the
520 Interstate Commission shall include persons who are members of
521 interested organizations as defined in the bylaws or rules of the
522 Interstate Commission. Such members shall be ex officio and shall not
523 be entitled to vote on any matter before the Interstate Commission.

524 D. Establish an executive committee which shall have the
525 authority to administer the day-to-day operations and administration
526 of the Interstate Commission. It shall not have the power to engage in
527 rulemaking.

528 ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

529 The Interstate Commission shall have the following powers:

530 A. To promulgate rules and take all necessary actions to effect
531 the goals, purposes and obligations as enumerated in this compact.

532 B. To provide for dispute resolution among member states.

533 C. To issue, upon request of a member state, advisory opinions
534 concerning the meaning or interpretation of the interstate compact, its
535 bylaws, rules or actions.

536 D. To enforce compliance with this compact or the bylaws or
537 rules of the Interstate Commission pursuant to Article XII.

538 E. Collect standardized data concerning the interstate placement
539 of children subject to this compact as directed through its rules which
540 shall specify the data to be collected, the means of collection and data
541 exchange and reporting requirements.

542 F. To establish and maintain offices as may be necessary for the

543 transacting of its business.

544 G. To purchase and maintain insurance and bonds.

545 H. To hire or contract for services of personnel or consultants as
546 necessary to carry out its functions under the compact and establish
547 personnel qualification policies, and rates of compensation.

548 I. To establish and appoint committees and officers including,
549 but not limited to, an executive committee as required by Article X.

550 J. To accept any and all donations and grants of money,
551 equipment, supplies, materials, and services, and to receive, utilize, and
552 dispose thereof.

553 K. To lease, purchase, accept contributions or donations of, or
554 otherwise to own, hold, improve or use any property, real, personal, or
555 mixed.

556 L. To sell, convey, mortgage, pledge, lease, exchange, abandon,
557 or otherwise dispose of any property, real, personal or mixed.

558 M. To establish a budget and make expenditures.

559 N. To adopt a seal and bylaws governing the management and
560 operation of the Interstate Commission.

561 O. To report annually to the legislatures, governors, the
562 judiciary, and state advisory councils of the member states concerning
563 the activities of the Interstate Commission during the preceding
564 year. Such reports shall also include any recommendations that may
565 have been adopted by the Interstate Commission.

566 P. To coordinate and provide education, training and public
567 awareness regarding the interstate movement of children for officials
568 involved in such activity.

569 Q. To maintain books and records in accordance with the bylaws
570 of the Interstate Commission.

571 R. To perform such functions as may be necessary or appropriate
572 to achieve the purposes of this compact.

573 **ARTICLE X. ORGANIZATION AND OPERATION OF THE INTERSTATE**
574 **COMMISSION**

575 **A. Bylaws**

576 1. Within 12 months after the first Interstate Commission
577 meeting, the Interstate Commission shall adopt bylaws to govern its
578 conduct as may be necessary or appropriate to carry out the purposes
579 of the compact.

580 2. The Interstate Commission's bylaws and rules shall establish

581 conditions and procedures under which the Interstate Commission
582 shall make its information and official records available to the public
583 for inspection or copying. The Interstate Commission may exempt from
584 disclosure information or official records to the extent they would
585 adversely affect personal privacy rights or proprietary interests.

586 **B. Meetings**

587 1. The Interstate Commission shall meet at least once each
588 calendar year. The chairperson may call additional meetings and, upon
589 the request of a simple majority of the member states shall call
590 additional meetings.

591 2. Public notice shall be given by the Interstate Commission of
592 all meetings and all meetings shall be open to the public, except as set
593 forth in the rules or as otherwise provided in the compact. The
594 Interstate Commission and its committees may close a meeting, or
595 portion thereof, where it determines by two-thirds vote that an open
596 meeting would be likely to:

597 a. relate solely to the Interstate Commission's internal personnel
598 practices and procedures; or

599 b. disclose matters specifically exempted from disclosure by
600 federal law; or

601 c. disclose financial or commercial information which is
602 privileged, proprietary or confidential in nature; or

603 d. involve accusing a person of a crime, or formally censuring a
604 person; or

605 e. disclose information of a personal nature where disclosure
606 would constitute a clearly unwarranted invasion of personal privacy or
607 physically endanger one or more persons; or

608 f. disclose investigative records compiled for law enforcement
609 purposes; or

610 g. specifically relate to the Interstate Commission's participation
611 in a civil action or other legal proceeding.

612 3. For a meeting, or portion of a meeting, closed pursuant to this
613 provision, the Interstate Commission's legal counsel or designee shall
614 certify that the meeting may be closed and shall reference each
615 relevant exemption provision. The Interstate Commission shall keep
616 minutes which shall fully and clearly describe all matters discussed in
617 a meeting and shall provide a full and accurate summary of actions
618 taken, and the reasons therefore, including a description of the views

619 expressed and the record of a roll call vote. All documents considered
620 in connection with an action shall be identified in such minutes. All
621 minutes and documents of a closed meeting shall remain under seal,
622 subject to release by a majority vote of the Interstate Commission or by
623 court order.

624 4. The bylaws may provide for meetings of the Interstate
625 Commission to be conducted by telecommunication or other electronic
626 communication.

627 C. Officers and Staff

628 1. The Interstate Commission may, through its executive
629 committee, appoint or retain a staff director for such period, upon such
630 terms and conditions and for such compensation as the Interstate
631 Commission may deem appropriate. The staff director shall serve as
632 secretary to the Interstate Commission, but shall not have a vote. The
633 staff director may hire and supervise such other staff as may be
634 authorized by the Interstate Commission.

635 2. The Interstate Commission shall elect, from among its
636 members, a chairperson and a vice chairperson of the executive
637 committee and other necessary officers, each of whom shall have such
638 authority and duties as may be specified in the bylaws.

639 D. Qualified Immunity, Defense and Indemnification

640 1. The Interstate Commission's staff director and its employees
641 shall be immune from suit and liability, either personally or in their
642 official capacity, for a claim for damage to or loss of property or
643 personal injury or other civil liability caused or arising out of or
644 relating to an actual or alleged act, error, or omission that occurred, or
645 that such person had a reasonable basis for believing occurred within
646 the scope of Commission employment, duties, or responsibilities;
647 provided, that such person shall not be protected from suit or liability
648 for damage, loss, injury, or liability caused by a criminal act or the
649 intentional or willful and wanton misconduct of such person.

650 a. The liability of the Interstate Commission's staff director and
651 employees or Interstate Commission representatives, acting within the
652 scope of such person's employment or duties for acts, errors, or
653 omissions occurring within such person's state may not exceed the
654 limits of liability set forth under the Constitution and laws of that state
655 for state officials, employees, and agents. The Interstate Commission
656 is considered to be an instrumentality of the states for the purposes of

657 any such action. Nothing in this subsection shall be construed to
658 protect such person from suit or liability for damage, loss, injury, or
659 liability caused by a criminal act or the intentional or willful and
660 wanton misconduct of such person.

661 **b.** The Interstate Commission shall defend the staff director and
662 its employees and, subject to the approval of the Attorney General or
663 other appropriate legal counsel of the member state shall defend the
664 commissioner of a member state in a civil action seeking to impose
665 liability arising out of an actual or alleged act, error or omission that
666 occurred within the scope of Interstate Commission employment, duties
667 or responsibilities, or that the defendant had a reasonable basis for
668 believing occurred within the scope of Interstate Commission
669 employment, duties, or responsibilities, provided that the actual or
670 alleged act, error, or omission did not result from intentional or willful
671 and wanton misconduct on the part of such person.

672 **c.** To the extent not covered by the state involved, member state,
673 or the Interstate Commission, the representatives or employees of the
674 Interstate Commission shall be held harmless in the amount of a
675 settlement or judgment, including attorney's fees and costs, obtained
676 against such persons arising out of an actual or alleged act, error, or
677 omission that occurred within the scope of Interstate Commission
678 employment, duties, or responsibilities, or that such persons had a
679 reasonable basis for believing occurred within the scope of Interstate
680 Commission employment, duties, or responsibilities, provided that the
681 actual or alleged act, error, or omission did not result from intentional
682 or willful and wanton misconduct on the part of such persons.

683 **ARTICLE XI. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

684 **A.** The Interstate Commission shall promulgate and publish rules
685 in order to effectively and efficiently achieve the purposes of the
686 compact.

687 **B.** Rulemaking shall occur pursuant to the criteria set forth in
688 this article and the bylaws and rules adopted pursuant thereto. Such
689 rulemaking shall substantially conform to the principles of the "Model
690 State Administrative Procedures Act," 1981 Act, Uniform Laws
691 Annotated, Vol. 15, p.1 (2000), or such other administrative procedure
692 acts as the Interstate Commission deems appropriate consistent with
693 due process requirements under the United States Constitution as now
694 or hereafter interpreted by the U. S. Supreme Court. All rules and

695 amendments shall become binding as of the date specified, as published
696 with the final version of the rule as approved by the Interstate
697 Commission.

698 C. When promulgating a rule, the Interstate Commission shall,
699 at a minimum:

700 1. Publish the proposed rule's entire text stating the reason(s)
701 for that proposed rule; and

702 2. Allow and invite any and all persons to submit written data,
703 facts, opinions and arguments, which information shall be added to the
704 record, and be made publicly available; and

705 3. Promulgate a final rule and its effective date, if appropriate,
706 based on input from state or local officials, or interested parties.

707 D. Rules promulgated by the Interstate Commission shall have
708 the force and effect of statutory law and shall supersede any state law,
709 rule or regulation to the extent of any conflict.

710 E. Not later than 60 days after a rule is promulgated, an
711 interested person may file a petition in the U.S. District Court for the
712 District of Columbia or in the Federal District Court where the
713 Interstate Commission's principal office is located for judicial review
714 of such rule. If the court finds that the Interstate Commission's action
715 is not supported by substantial evidence in the rulemaking record, the
716 court shall hold the rule unlawful and set it aside.

717 F. If a majority of the legislatures of the member states rejects
718 a rule, those states may by enactment of a statute or resolution in the
719 same manner used to adopt the compact cause that such rule shall have
720 no further force and effect in any member state.

721 G. The existing rules governing the operation of the Interstate
722 Compact on the Placement of Children superseded by this act shall be
723 null and void no less than 12, but no more than 24 months after the first
724 meeting of the Interstate Commission created hereunder, as determined
725 by the members during the first meeting.

726 H. Within the first 12 months of operation, the Interstate
727 Commission shall promulgate rules addressing the following:

728 1. Transition rules

729 2. Forms and procedures

730 3. Time lines

731 4. Data collection and reporting

732 5. Rulemaking

- 733 **6. Visitation**
- 734 **7. Progress reports/supervision**
- 735 **8. Sharing of information/confidentiality**
- 736 **9. Financing of the Interstate Commission**
- 737 **10. Mediation, arbitration and dispute resolution**
- 738 **11. Education, training and technical assistance**
- 739 **12. Enforcement**
- 740 **13. Coordination with other interstate compacts**
- 741 **I. Upon determination by a majority of the members of the**
- 742 **Interstate Commission that an emergency exists:**
- 743 **1. The Interstate Commission may promulgate an emergency rule**
- 744 **only if it is required to:**
- 745 **a. Protect the children covered by this compact from an**
- 746 **imminent threat to their health, safety and well-being; or**
- 747 **b. Prevent loss of federal or state funds; or**
- 748 **c. Meet a deadline for the promulgation of an administrative rule**
- 749 **required by federal law.**
- 750 **2. An emergency rule shall become effective immediately upon**
- 751 **adoption, provided that the usual rulemaking procedures provided**
- 752 **hereunder shall be retroactively applied to said rule as soon as**
- 753 **reasonably possible, but no later than 90 days after the effective date**
- 754 **of the emergency rule.**
- 755 **3. An emergency rule shall be promulgated as provided for in the**
- 756 **rules of the Interstate Commission.**
- 757 **ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT**
- 758 **A. Oversight**
- 759 **1. The Interstate Commission shall oversee the administration**
- 760 **and operation of the compact.**
- 761 **2. The executive, legislative and judicial branches of state**
- 762 **government in each member state shall enforce this compact and the**
- 763 **rules of the Interstate Commission and shall take all actions necessary**
- 764 **and appropriate to effectuate the compact's purposes and intent. The**
- 765 **compact and its rules shall supercede state law, rules or regulations to**
- 766 **the extent of any conflict therewith.**
- 767 **3. All courts shall take judicial notice of the compact and the**
- 768 **rules in any judicial or administrative proceeding in a member state**
- 769 **pertaining to the subject matter of this compact.**
- 770 **4. The Interstate Commission shall be entitled to receive service**

771 of process in any action in which the validity of a compact provision or
772 rule is the issue for which a judicial determination has been sought and
773 shall have standing to intervene in any proceedings. Failure to provide
774 service of process to the Interstate Commission shall render any
775 judgment, order or other determination, however so captioned or
776 classified, void as to the Interstate Commission, this compact, its
777 bylaws or rules of the Interstate Commission.

778 **B. Dispute Resolution**

779 1. The Interstate Commission shall attempt, upon the request of
780 a member state, to resolve disputes which are subject to the compact
781 and which may arise among member states and between member and
782 non-member states.

783 2. The Interstate Commission shall promulgate a rule providing
784 for both mediation and binding dispute resolution for disputes among
785 compacting states. The costs of such mediation or dispute resolution
786 shall be the responsibility of the parties to the dispute.

787 **C. Enforcement**

788 1. If the Interstate Commission determines that a member state
789 has defaulted in the performance of its obligations or responsibilities
790 under this compact, its bylaws or rules, the Interstate Commission may:

791 a. Provide remedial training and specific technical assistance;
792 or

793 b. Provide written notice to the defaulting state and other
794 member states, of the nature of the default and the means of curing the
795 default. The Interstate Commission shall specify the conditions by
796 which the defaulting state must cure its default; or

797 c. By majority vote of the members, initiate against a defaulting
798 member state legal action in the United State District Court for the
799 District of Columbia or, at the discretion of the Interstate Commission,
800 in the federal district where the Interstate Commission has its
801 principal office, to enforce compliance with the provisions of the
802 compact, its bylaws or rules. The relief sought may include both
803 injunctive relief and damages. In the event judicial enforcement is
804 necessary the prevailing party shall be awarded all costs of such
805 litigation including reasonable attorney's fees; or

806 d. Avail itself of any other remedies available under state law or
807 the regulation of official or professional conduct.

808 **ARTICLE XIII. FINANCING OF THE COMMISSION**

809 A. The Interstate Commission shall pay, or provide for the
810 payment of the reasonable expenses of its establishment, organization
811 and ongoing activities.

812 B. The Interstate Commission may levy on and collect an annual
813 assessment from each member state to cover the cost of the operations
814 and activities of the Interstate Commission and its staff which must be
815 in a total amount sufficient to cover the Interstate Commission's annual
816 budget as approved by its members each year. The aggregate annual
817 assessment amount shall be allocated based upon a formula to be
818 determined by the Interstate Commission which shall promulgate a rule
819 binding upon all member states.

820 C. The Interstate Commission shall not incur obligations of any
821 kind prior to securing the funds adequate to meet the same; nor shall
822 the Interstate Commission pledge the credit of any of the member
823 states, except by and with the authority of the member state.

824 D. The Interstate Commission shall keep accurate accounts of all
825 receipts and disbursements. The receipts and disbursements of the
826 Interstate Commission shall be subject to the audit and accounting
827 procedures established under its bylaws. However, all receipts and
828 disbursements of funds handled by the Interstate Commission shall be
829 audited yearly by a certified or licensed public accountant and the
830 report of the audit shall be included in and become part of the annual
831 report of the Interstate Commission.

832 ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

833 A. Any state is eligible to become a member state.

834 B. The compact shall become effective and binding upon
835 legislative enactment of the compact into law by no less than 35
836 states. The effective date shall be the later of July 1, 2007, or upon
837 enactment of the compact into law by the 35th state. Thereafter it shall
838 become effective and binding as to any other member state upon
839 enactment of the compact into law by that state. The executive heads
840 of the state human services administration with ultimate responsibility
841 for the child welfare program of non-member states or their designees
842 shall be invited to participate in the activities of the Interstate
843 Commission on a non-voting basis prior to adoption of the compact by
844 all states.

845 C. The Interstate Commission may propose amendments to the
846 compact for enactment by the member states. No amendment shall

847 **become effective and binding on the member states unless and until it**
848 **is enacted into law by unanimous consent of the member states.**

849 **ARTICLE XV. WITHDRAWAL AND DISSOLUTION**

850 **A. Withdrawal**

851 **1. Once effective, the compact shall continue in force and remain**
852 **binding upon each and every member state; provided that a member**
853 **state may withdraw from the compact specifically repealing the statute**
854 **which enacted the compact into law.**

855 **2. Withdrawal from this compact shall be by the enactment of a**
856 **statute repealing the same. The effective date of withdrawal shall be**
857 **the effective date of the repeal of the statute.**

858 **3. The withdrawing state shall immediately notify the president**
859 **of the Interstate Commission in writing upon the introduction of**
860 **legislation repealing this compact in the withdrawing state. The**
861 **Interstate Commission shall then notify the other member states of the**
862 **withdrawing state's intent to withdraw.**

863 **4. The withdrawing state is responsible for all assessments,**
864 **obligations and liabilities incurred through the effective date of**
865 **withdrawal.**

866 **5. Reinstatement following withdrawal of a member state shall**
867 **occur upon the withdrawing state reenacting the compact or upon such**
868 **later date as determined by the members of the Interstate Commission.**

869 **B. Dissolution of Compact**

870 **1. This compact shall dissolve effective upon the date of the**
871 **withdrawal or default of the member state which reduces the**
872 **membership in the compact to one member state.**

873 **2. Upon the dissolution of this compact, the compact becomes**
874 **null and void and shall be of no further force or effect, and the business**
875 **and affairs of the Interstate Commission shall be concluded and surplus**
876 **funds shall be distributed in accordance with the bylaws.**

877 **ARTICLE XVI. SEVERABILITY AND CONSTRUCTION**

878 **A. The provisions of this compact shall be severable, and if any**
879 **phrase, clause, sentence or provision is deemed unenforceable, the**
880 **remaining provisions of the compact shall be enforceable.**

881 **B. The provisions of this compact shall be liberally construed to**
882 **effectuate its purposes.**

883 **C. Nothing in this compact shall be construed to prohibit the**
884 **concurrent applicability of other interstate compacts to which the**

885 **states are members**

886 **ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS**

887 **A. Other Laws**

888 **1. Nothing herein prevents the enforcement of any other law of**
889 **a member state that is not inconsistent with this compact.**

890 **2. All member states' laws conflicting with this compact or its**
891 **rules are superseded to the extent of the conflict.**

892 **B. Binding Effect of the Compact**

893 **1. All lawful actions of the Interstate Commission, including all**
894 **rules and bylaws promulgated by the Interstate Commission, are**
895 **binding upon the member states.**

896 **2. All agreements between the Interstate Commission and the**
897 **member states are binding in accordance with their terms.**

898 **3. In the event any provision of this compact exceeds the**
899 **constitutional limits imposed on the legislature of any member state,**
900 **such provision shall be ineffective to the extent of the conflict with the**
901 **constitutional provision in question in that member state.**

902 **ARTICLE XVIII. INDIAN TRIBES**

903 **Notwithstanding any other provision in this compact, the**
904 **Interstate Commission may promulgate guidelines to permit Indian**
905 **tribes to utilize the compact to achieve any or all of the purposes of the**
906 **compact as specified in Article I. The Interstate Commission shall**
907 **make reasonable efforts to consult with Indian tribes in promulgating**
908 **guidelines to reflect the diverse circumstances of the various Indian**
909 **tribes.**

210.622. Notwithstanding the provisions of section 210.620, the
2 **children's** division [of family services] may enter into an agreement with a
3 similar agency in any state adjoining Missouri that provides for the emergency
4 placement of abused or neglected children across state lines, without the prior
5 approval required by the interstate compact. A request for approval pursuant to
6 section 210.620 shall be initiated if the placement extends beyond thirty days.

210.625. The financial responsibility for any child placed pursuant to the
2 Provisions of the Interstate Compact on the Placement of Children shall be
3 determined in accordance with the provisions of Article [V] VII thereof, in the
4 first instance. However, in the event of partial or complete default of
5 performance thereunder, the provisions of state laws fixing responsibility for the
6 support of children also may be invoked.

210.635. Any court having jurisdiction to place delinquent children may

2 place such a child in an institution of or in another state pursuant to Article [VI]
3 **III** of the Interstate Compact on the Placement of Children and shall retain
4 jurisdiction as provided in Article [V] **IV** thereof.

210.640. No placement made into this state from a jurisdiction not party
2 to the Interstate Compact on the Placement of Children shall be lawful unless the
3 person or agency making the placement complies with and follows the procedures
4 and requirements of [Article III of] that compact as though the state or
5 jurisdiction from which the child is sent or brought were party thereto. This
6 section shall not apply to any placement which would not be subject to the terms
7 of the Interstate Compact on the Placement of Children if both this state and the
8 other state or jurisdiction from which the child is sent or brought were parties
9 thereto.

210.762. 1. When a child is taken into custody by a juvenile officer or law
2 enforcement official under subdivision (1) of subsection 1 of section 211.031,
3 RSMo, and initially placed with the division, the division may make a temporary
4 placement and shall arrange for a family support team meeting prior to or within
5 twenty-four hours following the protective custody hearing held under section
6 211.032, RSMo. After a child is in the division's custody and a temporary
7 placement has been made, the division shall arrange an additional family support
8 team meeting prior to taking any action relating to the placement of such child;
9 except that, when the welfare of a child in the custody of the division requires an
10 immediate or emergency change of placement, the division may make a temporary
11 placement and shall schedule a family support team meeting within seventy-two
12 hours. **The requirement for a family support team meeting shall not**
13 **apply when the parent has consented in writing to the termination of**
14 **his or her parental rights in conjunction with a placement in a licensed**
15 **child placing agency under subsection 6 of section 453.010, RSMo.**

16 2. The parents, the legal counsel for the parents, the foster parents, the
17 legal guardian or custodian of the child, the guardian ad litem for the child, and
18 the volunteer advocate, and any designee of the parent that has written
19 authorization shall be notified and invited to participate in all family support
20 team meetings. The family support team meeting may include such other persons
21 whose attendance at the meeting may assist the team in making appropriate
22 decisions in the best interests of the child. If the division finds that it is not in
23 the best interest of a child to be placed with relatives, the division shall make
24 specific findings in the division's report detailing the reasons why the best
25 interests of the child necessitate placement of the child with persons other than
26 relatives.

27 3. The division shall use the form created in subsection 2 of section
28 210.147 to be signed upon the conclusion of the meeting pursuant to subsection
29 1 of this section confirming that all involved parties are aware of the team's
30 decision regarding the custody and placement of the child. Any dissenting views
31 must be recorded and attested to on such form.

32 4. The case manager shall be responsible for including such form with the
33 case records of the child.

 210.1012. 1. There is hereby created a statewide program called the
2 "Amber Alert System" referred to in this section as the "system" to aid in the
3 identification and location of **an abducted [persons] child**.

4 2. For the purposes of this section, "abducted [person] **child**" means a
5 [person] **child** whose whereabouts are unknown and who is:

6 **(1) Less than eighteen years of age and** reasonably believed to be the
7 victim of the crime of kidnaping as defined by section 565.110, RSMo, as
8 determined by local law enforcement;

9 **(2) Reasonably believed to be the victim of the crime of child**
10 **kidnaping as defined by section 565.115, RSMo, as determined by local**
11 **law enforcement; or**

12 **(3) Less than eighteen years of age and at least fourteen years of**
13 **age and who, if under the age of fourteen, would otherwise be**
14 **reasonably believed to be a victim of child kidnaping as defined by**
15 **section 565.115, RSMo, as determined by local law enforcement.**

16 3. The department of public safety shall develop regions to provide the
17 system. The department of public safety shall coordinate local law enforcement
18 agencies and public commercial television and radio broadcasters to provide an
19 effective system. In the event that a local law enforcement agency opts not to set
20 up a system and an abduction occurs within the jurisdiction, it shall notify the
21 department of public safety who will notify local media in the region.

22 4. The Amber alert system shall include all state agencies capable of
23 providing urgent and timely information to the public together with broadcasters
24 and other private entities that volunteer to participate in the dissemination of
25 urgent public information. At a minimum, the Amber alert system shall include
26 the department of public safety, highway patrol, department of transportation,
27 department of health and senior services, and Missouri lottery.

28 5. The department of public safety shall have the authority to notify other
29 regions upon verification that the criteria established by the oversight committee
30 has been met.

31 6. Participation in an Amber alert system is entirely at the option of local

32 law enforcement agencies and federally licensed radio and television broadcasters.

33 7. Any person who knowingly makes a false report that triggers an alert
34 pursuant to this section is guilty of a class A misdemeanor.

211.319. 1. On or before July 1, 2005, all juvenile court proceedings
2 conducted pursuant to subdivision (1) of subsection 1 of section 211.031 and for
3 termination of parental rights cases pursuant to sections 211.442 to 211.487
4 initiated by a juvenile officer or the division shall be open to the public; **except**
5 **that, when the parent has consented in writing to the termination of his**
6 **or her parental rights in conjunction with a placement with a licensed**
7 **child placing agency under subsection 6 of section 453.010, RSMo, the**
8 **hearing shall be closed.** The court, on its own motion, may exclude for good
9 cause shown any person or persons from the proceedings to protect the welfare
10 and best interests of the child and for exceptional circumstances. Any party to
11 a juvenile court proceeding referred to in this subsection, except the state, may
12 file a motion requesting that the general public be excluded from the proceeding
13 or any portion of the proceeding. Upon the filing of such motion, the court shall
14 hear arguments by the parties, but no evidence, and shall make a determination
15 whether closure is in the best interest of the parties or whether it is in the public
16 interest to deny such motion. The court shall make a finding on the record when
17 a motion to close a hearing pursuant to this section is made and heard by the
18 court.

19 2. Notwithstanding the provisions of subsection 1 of this section, the
20 general public shall be excluded from all juvenile court proceedings referred to
21 in subsection 1 of this section during the testimony of any child or victim and
22 only such persons who have a direct interest in the case or in the work of the
23 court will be admitted to the proceedings.

24 3. For juvenile court proceedings described in subsection 1 of this section,
25 pleadings and orders of the juvenile court other than confidential files and those
26 specifically ordered closed by the juvenile court judge shall be open to the general
27 public. For purposes of this section, "confidential file" means all other records
28 and reports considered closed or confidential by law, including but not limited to
29 medical reports, psychological or psychiatric evaluations, investigation reports of
30 the children's division, social histories, home studies, and police reports and law
31 enforcement records. Only persons who are found by the court to have a
32 legitimate interest shall be allowed access to confidential or closed files. In
33 determining whether a person has a legitimate interest, the court shall consider
34 the nature of the proceedings, the welfare and safety of the public, and the
35 interest of any child involved.

36 4. For records made available to the public pursuant to this section:

37 (1) The identity of any child involved except the perpetrator shall not be
38 disclosed and all references in such records to the identity of any child involved
39 except the perpetrator shall be redacted prior to disclosure to the public; and

40 (2) All information that may identify or lead to the disclosure of the
41 identity of a reporter of child abuse under sections 210.109 to 210.183, RSMo, and
42 section 352.400, RSMo, shall not be disclosed to the public.

43 5. The provisions of this section shall apply to juvenile court proceedings
44 and records specified in this section in which the initial pleadings are filed on or
45 after July 1, 2005.

211.444. 1. The juvenile court may, upon petition of the juvenile officer
2 **or a child placing agency licensed under sections 210.481 to 210.536,**
3 **RSMo, in conjunction with a placement with such agency under**
4 **subsection 6 of section 453.010, RSMo,** or the court before which a petition
5 for adoption has been filed pursuant to the provisions of chapter 453, RSMo,
6 terminate the rights of a parent to a child if the court finds that such termination
7 is in the best interests of the child and the parent has consented in writing to the
8 termination of his or her parental rights.

9 2. The written consent required by subsection 1 of this section may be
10 executed before or after the institution of the proceedings and shall be
11 acknowledged before a notary public. In lieu of such acknowledgment, the
12 signature of the person giving the written consent shall be witnessed by at least
13 two adult persons who are present at the execution whose signatures and
14 addresses shall be plainly written thereon and who determine and certify that the
15 consent is knowingly and freely given. The two adult witnesses shall not be the
16 prospective parents. The notary public or witnesses shall verify the identity of
17 the party signing the consent.

18 3. The written consent required by subsection 1 of this section shall be
19 valid and effective only after the child is at least forty-eight hours old and if it
20 complies with the other requirements of section 453.030, RSMo.

211.447. 1. Any information that could justify the filing of a petition to
2 terminate parental rights may be referred to the juvenile officer by any
3 person. The juvenile officer shall make a preliminary inquiry and if it does not
4 appear to the juvenile officer that a petition should be filed, such officer shall so
5 notify the informant in writing within thirty days of the referral. Such
6 notification shall include the reasons that the petition will not be
7 filed. Thereupon, the informant may bring the matter directly to the attention
8 of the judge of the juvenile court by presenting the information in writing, and

9 if it appears to the judge that the information could justify the filing of a petition,
10 the judge may order the juvenile officer to take further action, including making
11 a further preliminary inquiry or filing a petition.

12 2. Except as provided for in subsection [3] 4 of this section, a petition to
13 terminate the parental rights of the child's parent or parents shall be filed by the
14 juvenile officer or the division, or if such a petition has been filed by another
15 party, the juvenile officer or the division shall seek to be joined as a party to the
16 petition, when:

17 (1) Information available to the juvenile officer or the division establishes
18 that the child has been in foster care for at least fifteen of the most recent
19 twenty-two months; or

20 (2) A court of competent jurisdiction has determined the child to be an
21 abandoned infant. For purposes of this subdivision, an "infant" means any child
22 one year of age or under at the time of filing of the petition. The court may find
23 that an infant has been abandoned if:

24 (a) The parent has left the child under circumstances that the identity of
25 the child was unknown and could not be ascertained, despite diligent searching,
26 and the parent has not come forward to claim the child; or

27 (b) The parent has, without good cause, left the child without any
28 provision for parental support and without making arrangements to visit or
29 communicate with the child, although able to do so; or

30 (3) A court of competent jurisdiction has determined that the parent has:

31 (a) Committed murder of another child of the parent; or

32 (b) Committed voluntary manslaughter of another child of the parent; or

33 (c) Aided or abetted, attempted, conspired or solicited to commit such a
34 murder or voluntary manslaughter; or

35 (d) Committed a felony assault that resulted in serious bodily injury to
36 the child or to another child of the parent.

37 **3. A termination of parental rights petition shall be filed by the**
38 **juvenile officer or the division, or if such a petition has been filed by**
39 **another party, the juvenile officer or the division shall seek to be**
40 **joined as a party to the petition, within sixty days of the judicial**
41 **determinations required in subsection 2 of this section, except as**
42 **provided in subsection 4 of this section. Failure to comply with this**
43 **requirement shall not deprive the court of jurisdiction to adjudicate a**
44 **petition for termination of parental rights which is filed outside of**
45 **sixty days.**

46 4. If grounds exist for termination of parental rights pursuant to

47 subsection 2 of this section, the juvenile officer or the division may, but is not
48 required to, file a petition to terminate the parental rights of the child's parent
49 or parents if:

50 (1) The child is being cared for by a relative; or

51 (2) There exists a compelling reason for determining that filing such a
52 petition would not be in the best interest of the child, as documented in the
53 permanency plan which shall be made available for court review; or

54 (3) The family of the child has not been provided such services as provided
55 for in section 211.183.

56 [4.] 5. The juvenile officer or the division may file a petition to terminate
57 the parental rights of the child's parent when it appears that one or more of the
58 following grounds for termination exist:

59 (1) The child has been abandoned. For purposes of this subdivision a
60 "child" means any child over one year of age at the time of filing of the
61 petition. The court shall find that the child has been abandoned if, for a period
62 of six months or longer:

63 (a) The parent has left the child under such circumstances that the
64 identity of the child was unknown and could not be ascertained, despite diligent
65 searching, and the parent has not come forward to claim the child; or

66 (b) The parent has, without good cause, left the child without any
67 provision for parental support and without making arrangements to visit or
68 communicate with the child, although able to do so;

69 (2) The child has been abused or neglected. In determining whether to
70 terminate parental rights pursuant to this subdivision, the court shall consider
71 and make findings on the following conditions or acts of the parent:

72 (a) A mental condition which is shown by competent evidence either to be
73 permanent or such that there is no reasonable likelihood that the condition can
74 be reversed and which renders the parent unable to knowingly provide the child
75 the necessary care, custody and control;

76 (b) Chemical dependency which prevents the parent from consistently
77 providing the necessary care, custody and control of the child and which cannot
78 be treated so as to enable the parent to consistently provide such care, custody
79 and control;

80 (c) A severe act or recurrent acts of physical, emotional or sexual abuse
81 toward the child or any child in the family by the parent, including an act of
82 incest, or by another under circumstances that indicate that the parent knew or
83 should have known that such acts were being committed toward the child or any
84 child in the family; or

85 (d) Repeated or continuous failure by the parent, although physically or
86 financially able, to provide the child with adequate food, clothing, shelter, or
87 education as defined by law, or other care and control necessary for the child's
88 physical, mental, or emotional health and development;

89 (3) The child has been under the jurisdiction of the juvenile court for a
90 period of one year, and the court finds that the conditions which led to the
91 assumption of jurisdiction still persist, or conditions of a potentially harmful
92 nature continue to exist, that there is little likelihood that those conditions will
93 be remedied at an early date so that the child can be returned to the parent in
94 the near future, or the continuation of the parent-child relationship greatly
95 diminishes the child's prospects for early integration into a stable and permanent
96 home. In determining whether to terminate parental rights under this
97 subdivision, the court shall consider and make findings on the following:

98 (a) The terms of a social service plan entered into by the parent and the
99 division and the extent to which the parties have made progress in complying
100 with those terms;

101 (b) The success or failure of the efforts of the juvenile officer, the division
102 or other agency to aid the parent on a continuing basis in adjusting his
103 circumstances or conduct to provide a proper home for the child;

104 (c) A mental condition which is shown by competent evidence either to be
105 permanent or such that there is no reasonable likelihood that the condition can
106 be reversed and which renders the parent unable to knowingly provide the child
107 the necessary care, custody and control;

108 (d) Chemical dependency which prevents the parent from consistently
109 providing the necessary care, custody and control over the child and which cannot
110 be treated so as to enable the parent to consistently provide such care, custody
111 and control; or

112 (4) The parent has been found guilty or pled guilty to a felony violation
113 of chapter 566, RSMo, when the child or any child in the family was a victim, or
114 a violation of section 568.020, RSMo, when the child or any child in the family
115 was a victim. As used in this subdivision, a "child" means any person who was
116 under eighteen years of age at the time of the crime and who resided with such
117 parent or was related within the third degree of consanguinity or affinity to such
118 parent; or

119 (5) The child was conceived and born as a result of an act of forcible
120 rape. When the biological father has pled guilty to, or is convicted of, the forcible
121 rape of the birth mother, such a plea or conviction shall be conclusive evidence
122 supporting the termination of the biological father's parental rights; or

123 (6) The parent is unfit to be a party to the parent and child relationship
124 because of a consistent pattern of committing a specific abuse, including but not
125 limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse
126 before the child or of specific conditions directly relating to the parent and child
127 relationship either of which are determined by the court to be of a duration or
128 nature that renders the parent unable, for the reasonably foreseeable future, to
129 care appropriately for the ongoing physical, mental or emotional needs of the
130 child. It is presumed that a parent is unfit to be a party to the parent-child
131 relationship upon a showing that within a three-year period immediately prior
132 to the termination adjudication, the parent's parental rights to one or more other
133 children were involuntarily terminated pursuant to subsection 2 or [3] 4 of this
134 section or subdivisions (1), (2), (3) or (4) of subsection [4] 5 of this section or
135 similar laws of other states.

136 [5.] 6. The juvenile court may terminate the rights of a parent to a child
137 upon a petition filed by the juvenile officer or the division, or in adoption cases,
138 by a prospective parent, if the court finds that the termination is in the best
139 interest of the child and when it appears by clear, cogent and convincing evidence
140 that grounds exist for termination pursuant to subsection 2, 3 or 4 of this section.

141 [6.] 7. When considering whether to terminate the parent-child
142 relationship pursuant to subsection 2 or [3] 4 of this section or subdivision (1),
143 (2), (3) or (4) of subsection [4] 5 of this section, the court shall evaluate and make
144 findings on the following factors, when appropriate and applicable to the case:

145 (1) The emotional ties to the birth parent;

146 (2) The extent to which the parent has maintained regular visitation or
147 other contact with the child;

148 (3) The extent of payment by the parent for the cost of care and
149 maintenance of the child when financially able to do so including the time that
150 the child is in the custody of the division or other child-placing agency;

151 (4) Whether additional services would be likely to bring about lasting
152 parental adjustment enabling a return of the child to the parent within an
153 ascertainable period of time;

154 (5) The parent's disinterest in or lack of commitment to the child;

155 (6) The conviction of the parent of a felony offense that the court finds is
156 of such a nature that the child will be deprived of a stable home for a period of
157 years; provided, however, that incarceration in and of itself shall not be grounds
158 for termination of parental rights;

159 (7) Deliberate acts of the parent or acts of another of which the parent
160 knew or should have known that subjects the child to a substantial risk of

161 physical or mental harm.

162 [7.] 8. The court may attach little or no weight to infrequent visitations,
163 communications, or contributions. It is irrelevant in a termination proceeding
164 that the maintenance of the parent-child relationship may serve as an
165 inducement for the parent's rehabilitation.

166 [8.] 9. In actions for adoption pursuant to chapter 453, RSMo, the court
167 may hear and determine the issues raised in a petition for adoption containing
168 a prayer for termination of parental rights filed with the same effect as a petition
169 permitted pursuant to subsection 2, [3 or] 4, **or 5** of this section.

453.010. 1. Any person desiring to adopt another person as his or her
2 child shall petition the juvenile division of the circuit court of the county in
3 which:

- 4 (1) The person seeking to adopt resides;
- 5 (2) The child sought to be adopted was born;
- 6 (3) The child is located at the time of the filing of the petition; or
- 7 (4) Either birth person resides.

8 2. A petition to adopt shall not be dismissed or denied on the grounds that
9 the petitioner is not domiciled or does not reside in any of the venues set forth in
10 subdivision (2), (3) or (4) of subsection 1 of this section.

11 3. If the person sought to be adopted is a child who is under the prior and
12 continuing jurisdiction of a court pursuant to the provision of chapter 211, RSMo,
13 any person desiring to adopt such person as his or her child shall petition the
14 juvenile division of the circuit court which has jurisdiction over the child for
15 permission to adopt such person as his or her child. Upon receipt of a motion
16 from the petitioner and consent of the receiving court, the juvenile division of the
17 circuit court which has jurisdiction over the child may transfer jurisdiction to the
18 juvenile division of a circuit court within any of the alternative venues set forth
19 in subsection 1 of this section.

20 4. If the petitioner has a spouse living and competent to join in the
21 petition, such spouse may join therein, and in such case the adoption shall be by
22 them jointly. If such a spouse does not join the petition the court in its discretion
23 may, after a hearing, order such joinder, and if such order is not complied with
24 may dismiss the petition.

25 5. Upon receipt of a properly filed petition, a court, as defined in this
26 section, shall hear such petition in a timely fashion. A court or any child-placing
27 agency shall not deny or delay the placement of a child for adoption when an
28 approved family is available, regardless of the approved family's residence or
29 domicile. The court shall expedite the placement of a child for adoption pursuant

30 to subsection 3 of this section.

31 **6. A licensed child placing agency may file a petition for transfer**
32 **of custody if a birth parent consents in writing by power of attorney for**
33 **placement of a minor child, a consent to adoption, or any other**
34 **document which evidences a desire to place the child with the licensed**
35 **child placing agency for the purposes of transfer of custody of the child**
36 **to the licensed child placing agency. The written consent obtained**
37 **from the birth parent shall strictly comply with section 453.030.**

453.011. 1. In all cases [in which] **involving** the termination of parental
2 rights, **placement**, or adoption of a child [is], **whether voluntary or** contested
3 by any person or agency, the [trial] court shall, consistent with due process,
4 expedite the [contested] termination, **placement**, or adoption proceeding by
5 entering such scheduling orders as are necessary to ensure that the case is not
6 delayed, and such case shall be given priority in setting a final hearing of the
7 proceeding and shall be heard at the earliest possible date over other civil
8 litigation, other than **children's** division [of family services'] child protection
9 cases.

10 2. In all cases as specified in subsection 1 of this section which are
11 appealed from the decision of a trial court:

12 (1) The transcript from the prior court proceeding shall be provided to the
13 appellate court no later than thirty days from the date the appeal is filed; and

14 (2) The appellate court shall, consistent with its rules, expedite the
15 contested termination of parental rights or adoption case by entering such
16 scheduling orders as are necessary to ensure that a ruling will be entered within
17 thirty days of the close of oral arguments, and such case shall be given priority
18 over all other civil litigation, other than **children's** division [of family services']
19 child protection cases, in reaching a determination on the status of the
20 termination of parental rights or of the adoption; and

21 (3) In no event shall the court permit more than one request for an
22 extension by either party.

23 3. It is the intent of the general assembly that the permanency of the
24 placement of a child who is the subject of a termination of parental rights
25 proceeding, a **placement proceeding**, or an adoption proceeding not be delayed
26 any longer than is absolutely necessary consistent with the rights of all parties,
27 but that the rights of the child to permanency at the earliest possible date be
28 given priority over all other civil litigation other than **children's** division [of
29 family services'] child protection cases.

650.025. 1. There is hereby created an advisory system, referred

2 to in this section as the "system", to aid in the identification and
3 location of missing endangered persons.

4 2. For the purposes of this section, "missing endangered person"
5 means a person whose whereabouts are unknown and who is:

6 (1) Physically or mentally disabled to the degree that the person
7 is dependent upon an agency or another individual;

8 (2) Missing under circumstances indicating that the missing
9 person's safety may be in danger; or

10 (3) Missing under involuntary or unknown circumstances.

11 3. The department of public safety has the authority to
12 promulgate rules establishing recommended procedures for issuing
13 missing endangered person advisories. Any rule or portion of a rule,
14 as that term is defined in section 536.010, RSMo, that is created under
15 the authority delegated in this section shall become effective only if it
16 complies with and is subject to all of the provisions of chapter 536,
17 RSMo, and if applicable, section 536.028, RSMo. This section and
18 chapter 536, RSMo, are nonseverable and if any of the powers vested
19 with the general assembly pursuant to chapter 536, RSMo, to review, to
20 delay the effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after August 28, 2007, shall
23 be invalid and void.

Section 1. For the purpose of promoting and improving the
2 social, emotional, and educational welfare of pupils under the
3 jurisdiction of the juvenile court or family court under subdivisions (1),
4 (2), or (5) of subsection 211.031, RSMo, the department of elementary
5 and secondary education shall, in conjunction with the department of
6 social services, conduct a study to determine the means of ensuring
7 that such children's educational needs are met in terms of setting and
8 amount, and submit a report on the study to the governor and Missouri
9 general assembly on or before November 1, 2007.

10 2. The report shall include, but not be limited to, the following:

11 (1) Recommendations relating to detailed procedures and
12 timetables to determine the appropriate amount of hours in a school
13 day for the specific child;

14 (2) Recommendations on determining the appropriateness of the
15 education for such children described under this section who do not
16 have individualized education programs or are without a pending

17 **referral for special education services; and**

18 **(3) Recommendations for determining the responsibility,**
19 **financial or otherwise, among either the local school district and child**
20 **placing agency or both as to the proper and timely placement of such**
21 **children in an appropriate educational setting.**

[210.570. Within sixty days after sections 210.570 to
2 210.600 become effective, the governor, by and with the advice and
3 consent of the senate, shall appoint three commissioners to enter
4 into a compact on behalf of the state of Missouri with other states. If
5 the senate is not in session at the time for making such
6 appointments, the governor shall make temporary appointments as
7 in the case of a vacancy. Any two of the commissioners so
8 appointed together with the attorney general of the state of
9 Missouri may act to enter into the following compact:

10 **INTERSTATE COMPACT ON JUVENILES**

11 The contracting states solemnly agree:

12 **ARTICLE I**

13 That juveniles who are not under proper supervision and
14 control, or who have absconded, escaped or run away, are likely to
15 endanger their own health, morals and welfare, and the health,
16 morals and welfare of others. The cooperation of the states party
17 to this compact is therefore necessary to provide for the welfare
18 and protection of juveniles and of the public with respect to (1)
19 cooperative supervision of delinquent juveniles on probation or
20 parole; (2) the return, from one state to another, of delinquent
21 juveniles who have escaped or absconded; (3) the return, from one
22 state to another, of nondelinquent juveniles who have run away
23 from home; and (4) additional measures for the protection of
24 juveniles and of the public, which any two or more of the party
25 states may find desirable to undertake cooperatively. In carrying
26 out the provisions of this compact the party states shall be guided
27 by the noncriminal, reformatory and protective policies which guide
28 their laws concerning delinquent, neglected or dependent juveniles
29 generally. It shall be the policy of the states party to this compact
30 to cooperate and observe their respective responsibilities for the
31 prompt return and acceptance of juveniles and delinquent juveniles
32 who become subject to the provisions of this compact. The
33 provisions of this compact shall be reasonably and liberally

34 construed to accomplish the foregoing purposes.

35 ARTICLE II

36 That all remedies and procedures provided by this compact
37 shall be in addition to and not in substitution for other rights,
38 remedies and procedures, and shall not be in derogation of parental
39 rights and responsibilities.

40 ARTICLE III

41 That, for the purposes of this compact, "delinquent juvenile"
42 means any juvenile who has been adjudged delinquent and who, at
43 the time the provisions of this compact are invoked, is still subject
44 to the jurisdiction of the court that has made such adjudication or
45 to the jurisdiction or supervision of an agency or institution
46 pursuant to an order of such court; "probation or parole" means any
47 kind of conditional release of juveniles authorized under the laws
48 of the states party hereto; "court" means any court having
49 jurisdiction over delinquent, neglected or dependent children;
50 "state" means any state, territory or possession of the United
51 States, the District of Columbia, and the Commonwealth of Puerto
52 Rico; and "residence" or any variant thereof means a place at which
53 a home or regular place of abode is maintained.

54 ARTICLE IV

55 (a) That the parent, guardian, person or agency entitled to
56 legal custody of a juvenile who has not been adjudged delinquent
57 but who has run away without the consent of such parent,
58 guardian, person or agency may petition the appropriate court in
59 the demanding state for the issuance of a requisition for his
60 return. The petition shall state the name and age of the juvenile,
61 the name of the petitioner and the basis of entitlement to the
62 juvenile's custody, the circumstances of his running away, his
63 location if known at the time application is made, and such other
64 facts as may tend to show that the juvenile who has run away is
65 endangering his own welfare or the welfare of others and is not an
66 emancipated minor. The petition shall be verified by affidavit,
67 shall be executed in duplicate, and shall be accompanied by two
68 certified copies of the document or documents on which the
69 petitioner's entitlement to the juvenile's custody is based, such as
70 birth certificates, letters of guardianship, or custody decrees. Such
71 further affidavits and other documents as may be deemed proper

72 may be submitted with such petition. The judge of the court to
73 which this application is made may hold a hearing thereon to
74 determine whether for the purposes of this compact the petitioner
75 is entitled to the legal custody of the juvenile, whether or not it
76 appears that the juvenile has in fact run away without consent,
77 whether or not he is an emancipated minor, and whether or not it
78 is in the best interest of the juvenile to compel his return to the
79 state. If the judge determines, either with or without a hearing,
80 that the juvenile should be returned, he shall present to the
81 appropriate court or to the executive authority of the state where
82 the juvenile is alleged to be located a written requisition for the
83 return of such juvenile. Such requisition shall set forth the name
84 and age of the juvenile, the determination of the court that the
85 juvenile has run away without the consent of a parent, guardian,
86 person or agency entitled to his legal custody, and that it is in the
87 best interest and for the protection of such juvenile that he be
88 returned. In the event that a proceeding for the adjudication of the
89 juvenile as a delinquent, neglected or dependent juvenile is
90 pending in the court at the time when such juvenile runs away, the
91 court may issue a requisition for the return of such juvenile upon
92 its own motion, regardless of the consent of the parent, guardian,
93 person or agency entitled to legal custody, reciting therein the
94 nature and circumstances of the pending proceeding. The
95 requisition shall in every case be executed in duplicate and shall
96 be signed by the judge. One copy of the requisition shall be filed
97 with the compact administrator of the demanding state, there to
98 remain on file subject to the provisions of law governing records of
99 such court. Upon the receipt of a requisition demanding the return
100 of a juvenile who has run away, the court or the executive
101 authority to whom the requisition is addressed shall issue an order
102 to any peace officer or other appropriate person directing him to
103 take into custody and detain such juvenile. Such detention order
104 must substantially recite the facts necessary to the validity of its
105 issuance hereunder. No juvenile detained upon such order shall be
106 delivered over to the officer whom the court demanding him shall
107 have appointed to receive him, unless he shall first be taken
108 forthwith before a judge of a court in the state, who shall inform
109 him of the demand made for his return, and who may appoint

110 counsel or guardian ad litem for him. If the judge of such court
111 shall find that the requisition is in order, he shall deliver such
112 juvenile over to the officer whom the court demanding him shall
113 have appointed to receive him. The judge, however, may fix a
114 reasonable time to be allowed for the purpose of testing the legality
115 of the proceeding.

116 Upon reasonable information that a person is a juvenile who
117 has run away from another state party to this compact without the
118 consent of a parent, guardian, person or agency entitled to his legal
119 custody, such juvenile may be taken into custody without a
120 requisition and brought forthwith before a judge of the appropriate
121 court who may appoint counsel or guardian ad litem for such
122 juvenile and who shall determine after a hearing whether sufficient
123 cause exists to hold the person, subject to the order of the court, for
124 his own protection and welfare, for such a time not exceeding
125 ninety days as will enable his return to another state party to this
126 compact pursuant to a requisition for his return from a court of
127 that state. If, at the time when a state seeks the return of a
128 juvenile who has run away, there is pending in the state wherein
129 he is found any criminal charge, or any proceeding to have him
130 adjudicated a delinquent juvenile for an act committed in such
131 state, or if he is suspected of having committed within such state
132 a criminal offense or an act of juvenile delinquency, he shall not be
133 returned without the consent of such state until discharged from
134 prosecution or other form of proceeding, imprisonment, detention
135 or supervision for such offense or juvenile delinquency. The duly
136 accredited officers of any state party to this compact, upon the
137 establishment of their authority and the identity of the juvenile
138 being returned, shall be permitted to transport such juvenile
139 through any and all states party to this compact, without
140 interference. Upon his return to the state from which he ran away,
141 the juvenile shall be subject to such further proceedings as may be
142 appropriate under the laws of that state.

143 (b) That the state to which a juvenile is returned under this
144 Article shall be responsible for payment of the transportation costs
145 of such return.

146 (c) That "juvenile" as used in this Article means any person
147 who is a minor under the law of the state of residence of the

148 parent, guardian, person or agency entitled to the legal custody of
149 such minor.

150 ARTICLE V

151 (a) That the appropriate person or authority from whose
152 probation or parole supervision a delinquent juvenile has
153 absconded or from whose institutional custody he has escaped shall
154 present to the appropriate court or to the executive authority of the
155 state where the delinquent juvenile is alleged to be located a
156 written requisition for the return of such delinquent juvenile. Such
157 requisition shall state the name and age of the delinquent juvenile,
158 the particulars of his adjudication as a delinquent juvenile, the
159 circumstances of the breach of the terms of his probation or parole
160 or of his escape from an institution or agency vested with his legal
161 custody or supervision, and the location of such delinquent
162 juvenile, if known, at the time the requisition is made. The
163 requisition shall be verified by affidavit, shall be executed in
164 duplicate, and shall be accompanied by two certified copies of the
165 judgment, formal adjudication, or order of commitment which
166 subjects such delinquent juvenile to probation or parole or to the
167 legal custody of the institution or agency concerned. Such further
168 affidavits and other documents as may be deemed proper may be
169 submitted with such requisition. One copy of the requisition shall
170 be filed with the compact administrator of the demanding state,
171 there to remain on file subject to the provisions of law governing
172 records of the appropriate court. Upon the receipt of a requisition
173 demanding the return of a delinquent juvenile who has absconded
174 or escaped, the court or the executive authority to whom the
175 requisition is addressed shall issue an order to any peace officer or
176 other appropriate person directing him to take into custody and
177 detain such delinquent juvenile. Such detention order must
178 substantially recite the facts necessary to the validity of the
179 issuance hereunder. No delinquent juvenile detained upon such
180 order shall be delivered over to the officer whom the appropriate
181 person or authority demanding him shall have appointed to receive
182 him, unless he shall first be taken forthwith before a judge of an
183 appropriate court in the state, who shall inform him of the demand
184 made for his return and who may appoint counsel or guardian ad
185 litem for him. If the judge of such court shall find that the

186 requisition is in order, he shall deliver such delinquent juvenile
187 over to the officer whom the appropriate person or authority
188 demanding him shall have appointed to receive him. The judge,
189 however, may fix a reasonable time to be allowed for the purpose
190 of testing the legality of the proceeding.

191 Upon reasonable information that a person is a delinquent
192 juvenile who has absconded while on probation or parole, or
193 escaped from an institution or agency vested with his legal custody
194 or supervision in any state party to this compact, such person may
195 be taken into custody in any other state party to this compact
196 without a requisition. But in such event, he must be taken
197 forthwith before a judge of the appropriate court, who may appoint
198 counsel or guardian ad litem for such person and who shall
199 determine, after a hearing, whether sufficient cause exists to hold
200 the person subject to the order of the court for such a time, not
201 exceeding ninety days, as will enable his detention under a
202 detention order issued on a requisition pursuant to this Article. If,
203 at the time when a state seeks the return of a delinquent juvenile
204 who has either absconded while on probation or parole or escaped
205 from an institution or agency vested with his legal custody or
206 supervision, there is pending in the state wherein he is detained
207 any criminal charge or any proceeding to have him adjudicated a
208 delinquent juvenile for an act committed in such state, or if he is
209 suspected of having committed within such state a criminal offense
210 or an act of juvenile delinquency, he shall not be returned without
211 the consent of such state until discharged from prosecution or other
212 form of proceeding, imprisonment, detention or supervision for such
213 offense or juvenile delinquency. The duly accredited officers of any
214 state party to this compact, upon the establishment of their
215 authority and the identity of the delinquent juvenile being
216 returned, shall be permitted to transport such delinquent juvenile
217 through any and all states party to this compact, without
218 interference. Upon his return to the state from which he escaped
219 or absconded, the delinquent juvenile shall be subject to such
220 further proceedings as may be appropriate under the laws of that
221 state.

222 (b) That the state to which a delinquent juvenile is
223 returned under this Article shall be responsible for payment of the

224 transportation costs of such return.

225 ARTICLE VI

226 That any delinquent juvenile who has absconded while on
227 probation or parole, or escaped from an institution or agency vested
228 with his legal custody or supervision in any state party to this
229 compact, and any juvenile who has run away from any state party
230 to this compact, who is taken into custody without a requisition in
231 another state party to this compact under the provisions of Article
232 IV(a) or of Article V(a), may consent to his immediate return to the
233 state from which he absconded, escaped or ran away. Such consent
234 shall be given by the juvenile or delinquent juvenile and his
235 counsel or guardian ad litem if any, by executing or subscribing a
236 writing, in the presence of a judge of the appropriate court, which
237 states that the juvenile or delinquent juvenile and his counsel or
238 guardian ad litem, if any, consent to his return to the demanding
239 state. Before such consent shall be executed or subscribed,
240 however, the judge, in the presence of counsel or guardian ad litem,
241 if any, shall inform the juvenile or delinquent juvenile of his rights
242 under this compact. When the consent has been duly executed, it
243 shall be forwarded to and filed with the compact administrator of
244 the state in which the court is located and the judge shall direct
245 the officer having the juvenile or delinquent juvenile in custody to
246 deliver him to the duly accredited officer or officers of the state
247 demanding his return, and shall cause to be delivered to such
248 officer or officers a copy of the consent. The court may, however,
249 upon the request of the state to which the juvenile or delinquent
250 juvenile is being returned, order him to return unaccompanied to
251 such state and shall provide him with a copy of such court order;
252 in such event a copy of the consent shall be forwarded to the
253 compact administrator of the state to which said juvenile or
254 delinquent juvenile is ordered to return.

255 ARTICLE VII

256 (a) That the duly constituted judicial and administrative
257 authorities of a state party to this compact (herein called "sending
258 state") may permit any delinquent juvenile within such state,
259 placed on probation or parole, to reside in any other state party to
260 this compact (herein called "receiving state") while on probation or
261 parole, and the receiving state shall accept such delinquent

262 juvenile, if the parent, guardian or person entitled to the legal
263 custody of such delinquent juvenile is residing or undertakes to
264 reside within the receiving state. Before granting such permission,
265 opportunity shall be given to the receiving state to make such
266 investigations as it deems necessary. The authorities of the
267 sending state shall send to the authorities of the receiving state
268 copies of pertinent court orders, social case studies and all other
269 available information which may be of value to and assist the
270 receiving state in supervising a probationer or parolee under this
271 compact. A receiving state, in its discretion, may agree to accept
272 supervision of a probationer or parolee in cases where the parent,
273 guardian or person entitled to the legal custody of the delinquent
274 juvenile is not a resident of the receiving state, and if so accepted
275 the sending state may transfer supervision accordingly.

276 (b) That each receiving state will assume the duties of
277 visitation and of supervision over any such delinquent juvenile and
278 in the exercise of those duties will be governed by the same
279 standards of visitation and supervision that prevail for its own
280 delinquent juveniles released on probation or parole.

281 (c) That, after consultation between the appropriate
282 authorities of the sending state and of the receiving state as to the
283 desirability and necessity of returning such a delinquent juvenile,
284 the duly accredited officers of a sending state may enter a receiving
285 state and there apprehend and retake any such delinquent juvenile
286 on probation or parole. For that purpose, no formalities will be
287 required, other than establishing the authority of the officer and
288 the identity of the delinquent juvenile to be retaken and
289 returned. The decision of the sending state to retake a delinquent
290 juvenile on probation or parole shall be conclusive upon and not
291 reviewable within the receiving state, but if, at the time the
292 sending state seeks to retake a delinquent juvenile on probation or
293 parole, there is pending against him within the receiving state any
294 criminal charge or any proceeding to have him adjudicated a
295 delinquent juvenile for any act committed in such state, or if he is
296 suspected of having committed within such state a criminal offense
297 or an act of juvenile delinquency, he shall not be returned without
298 the consent of the receiving state until discharged from prosecution
299 or other form of proceeding, imprisonment, detention or supervision

300 for such offense or juvenile delinquency. The duly accredited
301 officers of the sending state shall be permitted to transport
302 delinquent juveniles being so returned through any and all states
303 party to this compact, without interference.

304 (d) That the sending state shall be responsible under this
305 Article for paying the costs of transporting any delinquent juvenile
306 to the receiving state or of returning any delinquent juvenile to the
307 sending state.

308 ARTICLE VIII

309 (a) That the provisions of Articles IV(b), V(b) and VII(d) of
310 this compact shall not be construed to alter or affect any internal
311 relationship among the departments, agencies and officers of and
312 in the government of a party state, or between a party state and its
313 subdivisions, as to the payment of costs, or responsibilities
314 therefor.

315 (b) That nothing in this compact shall be construed to
316 prevent any party state or subdivision thereof from asserting any
317 right against any person, agency or other entity in regard to costs
318 for which such party state or subdivision thereof may be
319 responsible pursuant to Articles IV(b), V(b) or VII(d) of this
320 compact.

321 ARTICLE IX

322 That, to every extent possible, it shall be the policy of states
323 party to this compact that no juvenile or delinquent juvenile shall
324 be placed or detained in any prison, jail or lockup nor be detained
325 or transported in association with criminal, vicious or dissolute
326 persons.

327 ARTICLE X

328 That the duly constituted administrative authorities of a
329 state party to this compact may enter into supplementary
330 agreements with any other state or states party hereto for the
331 cooperative care, treatment and rehabilitation of delinquent
332 juveniles whenever they shall find that such agreements will
333 improve the facilities or programs available for such care,
334 treatment and rehabilitation. Such care, treatment and
335 rehabilitation may be provided in an institution located within any
336 state entering into such supplementary agreement. Such
337 supplementary agreements shall (1) provide the rates to be paid for

338 the care, treatment and custody of such delinquent juveniles,
339 taking into consideration the character of facilities, services and
340 subsistence furnished; (2) provide that the delinquent juvenile shall
341 be given a court hearing prior to his being sent to another state for
342 care, treatment and custody; (3) provide that the state receiving
343 such a delinquent juvenile in one of its institutions shall act solely
344 as agent for the state sending such delinquent juvenile; (4) provide
345 that the sending state shall at all times retain jurisdiction over
346 delinquent juveniles sent to an institution in another state; (5)
347 provide for reasonable inspection of such institutions by the
348 sending state; (6) provide that the consent of the parent, guardian,
349 person or agency entitled to the legal custody of said delinquent
350 juvenile shall be secured prior to his being sent to another state;
351 and (7) make provision for such other matters and details as shall
352 be necessary to protect the rights and equities of such delinquent
353 juveniles and of the cooperating states.

354 ARTICLE XI

355 That any state party to this compact may accept any and all
356 donations, gifts and grants of money, equipment and services from
357 the federal or any local government, or any agency thereof and
358 from any person, firm or corporation, for any of the purposes and
359 functions of this compact, and may receive and utilize the same
360 subject to the terms, conditions and regulations governing such
361 donations, gifts and grants.

362 ARTICLE XII

363 That the governor of each state party to this compact shall
364 designate an officer who, acting jointly with like officers of other
365 party states, shall promulgate rules and regulations to carry out
366 more effectively the terms and provisions of this compact.

367 ARTICLE XIII

368 That this compact shall become operative immediately upon
369 its execution by any state as between it and any other state or
370 states so executing. When executed it shall have the full force and
371 effect of law within such state, the form of execution to be in
372 accordance with the laws of the executing state.

373 ARTICLE XIV

374 That this compact shall continue in force and remain
375 binding upon each executing state until renounced by

376 it. Renunciation of this compact shall be by the same authority
377 which executed it, by sending six months' notice in writing of its
378 intention to withdraw from the compact to the other states party
379 hereto. The duties and obligations of a renouncing state under
380 Article VII hereof shall continue as to parolees and probationers
381 residing therein at the time of withdrawal until retaken or finally
382 discharged. Supplementary agreements entered into under Article
383 X hereof shall be subject to renunciation as provided by such
384 supplementary agreements, and shall not be subject to the six
385 months' renunciation notice of the present Article.

386 ARTICLE XV

387 That the provisions of this compact shall be severable and
388 if any phrase, clause, sentence or provision of this compact is
389 declared to be contrary to the constitution of any participating
390 state or of the United States or the applicability thereof to any
391 government, agency, person or circumstance is held invalid, the
392 validity of the remainder of this compact and the applicability
393 thereof to any government, agency, person or circumstance shall
394 not be affected thereby. If this compact shall be held contrary to
395 the constitution of any state participating therein, the compact
396 shall remain in full force and effect as to the remaining states and
397 in full force and effect as to the state affected as to all severable
398 matters.]

2 [210.595. The term "delinquent juvenile" as used in the
interstate compact on juveniles includes those persons subject to
3 the jurisdiction of the juvenile court within the meaning of
4 subdivisions (1) and (2) of section 211.031, RSMo.]

5 [210.600. The commission shall have power to apply to the
6 Congress of the United States for its consent and approval of the
7 compact; but in the absence of such consent of Congress and until
8 the same shall have been secured, the compact shall be binding
upon the state of Missouri in all respects permitted by law for the
signatory states without the consent of Congress to cooperate, for
the purposes enumerated in the compact, and in the manner
provided therein.]

2 [210.610. 1. This section shall provide remedies, and shall
3 be binding only as among and between those party states which
specifically adopt a similar section.

4 2. All provisions and procedures of article V and article VI
5 of section 210.570 shall be construed to apply to any juvenile
6 charged with being a delinquent by reason of violating any criminal
7 law which constitutes a felony. Any juvenile charged with being a
8 delinquent by reason of violating any criminal law which
9 constitutes a felony shall be returned to the requesting state upon
10 a requisition to the state where the juvenile may be found. A
11 petition in such case shall be filed in a court of competent
12 jurisdiction in the requesting state where the violation of criminal
13 law is alleged to have been committed. The petition may be filed
14 regardless of whether the juvenile has left the requesting state
15 before or after the filing of the petition. The requisition described
16 in article V of section 210.570 shall be forwarded by the judge of
17 the court in which the petition has been filed.]

 [210.630. 1. The "appropriate public authorities" as used
2 in Article III of the Interstate Compact on the Placement of
3 Children shall, with reference to this state, mean Division of
4 Family Services, and said Division of Family Services shall receive
5 and act with reference to notices required by said Article III.

 2. As used in paragraph (a) of Article V "appropriate
6 authority in the receiving state" shall mean the Division of Family
7 Services.
8

 3. As used in Article VII of the Interstate Compact on the
9 Placement of Children the term "executive head" means the
10 Governor. The Governor is hereby authorized to appoint a compact
11 administrator in accordance with the terms of said Article VII.]
12

 [210.700. As used in sections 210.700 to 210.760, the
2 following words and terms shall have the meanings indicated:

 (1) "Child" shall mean a person under the age of eighteen
3 years whose custody has been committed to an authorized agency
4 by an order of a judge, or by a surrender agreement, or who has
5 been committed temporarily to the care of an authorized agency by
6 a parent, guardian or relative within the second degree of
7 consanguinity.
8

 (2) "Foster care" shall mean care provided a child in a
9 foster home, a group home, agency, child care institution, or any
10 combination thereof.]
11

Section B. The repeal and reenactment of sections 210.620, 210.622,

2 210.625, 210.635, and 210.640 of section A of this act, and the repeal of sections
3 210.630 and 210.700 of section A of this act shall become effective August 28,
4 2007, or upon legislative enactment of the compact into law by no less than
5 thirty-five states, whichever later occurs.

✓

Unofficial

Bill

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